

## Glossary of definitions of rape, femicide and intimate partner violence



The European Institute for Gender Equality (EIGE) is an autonomous body of the European Union, established to contribute to and strengthen the promotion of gender equality, including gender mainstreaming in all EU policies and the resulting national policies, and the fight against discrimination based on sex, as well as to raise EU citizens' awareness of gender equality.

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The views expressed herein are those of the consultants alone and do not necessarily represent the official views of EIGE.

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# Abbreviations

CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
EIGE	European Institute for Gender Equality
Eurostat	the statistical office of the European Union
EU	European Union
FGM	female genital mutilation
FRA	European Union Agency for Fundamental Rights
GBV	gender-based violence
ICCS	International classification of crimes for statistical purposes
ICTY	International Criminal Tribunal for the former Yugoslavia
IPV	intimate partner violence
UN	United Nations
Unicef	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
VAW	violence against women
WHO	World Health Organisation (UN)



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# Introduction





# 1. Introduction

## 1.1 General background of the study

The Glossary of definitions of rape, femicide and intimate partner violence (hereafter, *the Glossary*) has been prepared within the scope of the European Institute for Gender Equality (EIGE) *Study on terminology and indicators for data collection on rape, femicide and intimate partner violence* (hereinafter *the Study*) carried out by Milieu Ltd, the contractor. The overall objective of the Study is to establish a measure of violence against women (VAW) through the use of indicators on rape, femicide and intimate partner violence (IPV), which will guide methods of data collection across the 28 EU Member States in a way that ensures the reliability and comparability of data on VAW.

The increased harmonisation of data collection of the aforementioned three forms of violence, across the Member States, will eventually allow for a comparison of scope and trends between the Member States, something which is crucial for EU policy development in combating VAW. While a consistent legal and regulatory framework across the Member States, with comparable legal definitions, would greatly facilitate the collection of comparable data, it is not a prerequisite. Instead, consistent and comparable statistical definitions are the key to achieving full comparability. Establishing common statistical definitions allow the extent of this violence to be measured in a systematic and comparable manner.

The Glossary provides a detailed overview of the identified European, international and national definitions of rape, femicide and IPV. Where possible, the focus is on definitions used for statistical purposes. The Glossary then presents the definitions proposed for the three forms of violence with the aim of developing comparable definitions for statistical purposes.

## 1.2 Methodology for developing the definitions

The Glossary builds on the research carried out by the project team and national experts, in which the European, international and national definitions of the three forms of violence have been thoroughly analysed.

As a first step, the project team mapped the definitions of rape, femicide and IPV established by European and international legal and policy instruments, while the national experts mapped the national definitions of three forms of violence used for statistical purposes.

The analysis of the definitions of rape, femicide and IPV looked at two types of definitions, the **legal definitions** of the offences (i.e. what constitutes an offence by law) and their **statistical definitions** (i.e. what is measured by the data). The legal definitions are used for statistical purposes, given that the forms of VAW covered by the Study concern criminal offences in most Member States. In some cases, Member States also used statistical definitions, sometimes in combination with the legal definitions (this was done in particular for IPV).

As a second step, components of definitions were selected based on international, European and national components, comparability and relevance. The national experts analysed whether each of the components below were reflected in the national definitions.

**Table 1: The selected components of the definitions**

Rape	Femicide	Intimate partner violence
<ul style="list-style-type: none"> <li>• Use of force, coercion or deceit.</li> <li>• Taking advantage of vulnerability.</li> <li>• Lack of consent.</li> <li>• Vaginal intercourse.</li> <li>• Other forms of penetration (anal, oral, or other).</li> <li>• Use of an object.</li> <li>• Use of other body parts for the penetration.</li> <li>• Marital/intimate relationship rape as an aggravating circumstance.</li> <li>• Forced sterilisation.</li> </ul>	<ul style="list-style-type: none"> <li>• Intentional killing.</li> <li>• Gender-based act and/or killing of women.</li> <li>• Killing of partner/spouse.</li> <li>• Death of women resulting from IPV.</li> <li>• Female genital mutilation (FGM)-related death.</li> <li>• Death related to unsafe abortion.</li> <li>• Honour killing.</li> <li>• Female foeticide.</li> <li>• Dowry-related deaths.</li> </ul>	<ul style="list-style-type: none"> <li>• Physical violence.</li> <li>• Sexual violence.</li> <li>• Psychological violence.</li> <li>• Economic violence.</li> <li>• Other constituent elements of IPV.</li> </ul>

The definitions were developed by taking into account the presence of the components in the vast majority of the Member States. Additionally, the presence of a component in the Istanbul Convention and the International classification of crimes for statistical purposes (ICCS) definitions was considered key in deciding to add a component into the definition developed.

Lastly, the developed definitions have been fine-tuned based on the feedback received from the participants of a consultation meeting held on 26 April 2016 in Vilnius, attended by 40 participants, including representatives from the Member States, international organisations, EIGE and independent experts.





# Definitions of rape, femicide and intimate partner violence for statistical purposes





## 2. Definitions of rape, femicide and intimate partner violence for statistical purposes

### 2.1 Rape

While rape has been defined at the European, international and national levels, the specificities of the definition vary, in particular in relation to the nature of the acts and the circumstances of not consenting to such acts.

#### 2.1.1 List of definitions used at the European and international levels

**Table 2: European and international definitions of rape**

Source	Definition of rape	Reference
European sourcebook	<p>The standard 'operational' definition of rape amounts to 'sexual intercourse with a person against her/his will (per vagina or other)'.</p> <p>The statistical definition includes the following elements:</p> <ul style="list-style-type: none"><li>• penetration other than vaginal (e.g. buggery);</li><li>• violent intra-marital sexual intercourse;</li><li>• sexual intercourse without force with a helpless person;</li><li>• sexual intercourse with force with a child;</li><li>• attempts.</li></ul> <p>It excludes:</p> <ul style="list-style-type: none"><li>• sexual intercourse with a child without force;</li><li>• other forms of sexual assault.</li></ul>	<p>The European institute for crime prevention and control, affiliated with the United Nations (HEUNI), <i>The European sourcebook of crime and criminal justice statistics website</i>, 5<sup>th</sup> edition, 2014, p. 385.</p>
Eurostat	'Sexual intercourse without valid consent.'	Eurostat, Crime and criminal justice explanatory texts (metadata).

Source	Definition of rape	Reference
Gender equality glossary	<p>'Any non-consensual vaginal, anal or oral penetration of the body of another person where the penetration is of a sexual nature, with any bodily part or with an object, as well as any other non-consensual acts of a sexual nature by the use of coercion, violence, threats, duress, ruse, surprise or other means, regardless of the perpetrator's relationship to the victim. Causing another person to engage in non-consensual acts of a sexual nature with a third person is also considered as rape.'</p> <p>Consent refers to voluntary agreement as the result of a person's free will. When the victim is a child below the age defined in national law as the age of consent, sexual intercourse with her or him constitutes rape.</p>	EIGE, Gender equality glossary and thesaurus, Rape.
European Union Agency for Fundamental Rights (FRA)	<p>The survey questions on rape referred to the following elements:</p> <ul style="list-style-type: none"> <li>• Sexual intercourse, including forced oral sex, forced anal or vaginal penetration.</li> <li>• Forced sexual intercourse by holding down or hurting the person in some way.</li> <li>• Making a person take part in any form of sexual activity when they did not want to or were unable to refuse.</li> <li>• Situations in which the person consented to sexual activity because they were afraid of what might happen if they refused.</li> </ul>	FRA, <i>Survey on women's well-being and safety in Europe — Questionnaire</i> , 2012, pp. 27 and 35.
Istanbul Convention	<p>It defines sexual violence including rape, as follows:</p> <ul style="list-style-type: none"> <li>• 'Engaging in non-consensual vaginal, anal or oral penetration of a sexual nature of the body of another person with any bodily part or object.</li> <li>• Engaging in other non-consensual acts of a sexual nature with a person.</li> <li>• Causing another person to engage in non-consensual acts of a sexual nature with a third person.'</li> </ul>	'Convention on preventing and combating violence against women and domestic violence', <i>Council of Europe Treaty Series</i> , No 210, 11 May 2011, Council of Europe, Istanbul, 2011, Article 36.
European Court of Human Rights	'Any non-consensual sexual act, including in the absence of physical resistance by the victim.'	ECtHR, <i>M.C. v Bulgaria</i> (No 39272/98), judgment of 4 December 2003.
Council of Europe Parliamentary Assembly	<p>'Rape is defined in essence by the absence of consent or the absence of the choice to consent by the victim, and avoiding a re-victimisation of the victim by the criminal justice system.'</p> <p>The legislation should, as a minimum, do the following:</p> <ul style="list-style-type: none"> <li>• 'Make rape (including marital rape) an ex officio crime.</li> <li>• Define consent as agreement by choice when having the freedom and capacity to make that choice.</li> <li>• Not require that a victim physically resist the attacker.</li> <li>• Establish marital rape as a separate offence.</li> <li>• Penalise sexual violence and rape between spouses, cohabitant partners and ex-partners, and consider whether the attacker's current or former close relationship with the victim should be an aggravating circumstance.'</li> </ul>	Council of Europe, Parliamentary Assembly, <i>Resolution 1691 (2009) on rape of women, including marital rape</i> , 2 October 2009.



Source	Definition of rape	Reference
UN statistical guidelines on violence against women	'Engaging in the non-consensual vaginal, anal or oral penetration of a sexual nature of the body of another person with any bodily part or object, including through the use of physical violence and by putting the victim in a situation where she cannot say no or complies because of fear.'	United Nations (UN), Department of Economic and Social Affairs, <i>Guidelines for producing statistics on violence against women — statistical surveys</i> , Statistics Division of the United Nations, New York, 2014, p. 16.
CEDAW committee	'Rape constitutes a violation of women's right to personal security and bodily integrity, and that its essential element was lack of consent.'	Convention on the elimination of all forms of discrimination against women (CEDAW), <i>Committee on the elimination of discrimination against women</i> , September, State party: Philippines, 2010, para 8.7.
WHO	'Physically forced or otherwise coerced penetration — even if slight — of the vulva or anus, using a penis, other body parts or an object.'	WHO, <i>World report on violence and health</i> , prepared by Krug EG et al., eds., Geneva, 2002, p. 149.
Rome statute's elements of crimes	In relation to rape, the elements noted are: <ul style="list-style-type: none"> <li>'The perpetrator invaded the body of a person by conduct resulting in penetration, however slight, of any part of the body of the victim or of the perpetrator with a sexual organ, or of the anal or genital opening of the victim with any object or any other part of the body.</li> <li>The invasion was committed by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or another person, or by taking advantage of a coercive environment, or the invasion was committed against a person incapable of giving genuine consent.'</li> </ul>	International Criminal Court, <i>Elements of crimes</i> , 2011, pp. 8, 28, 36.
International Criminal Tribunal for the former Yugoslavia (ICTY)	'The following may be accepted as the objective elements of rape: <ul style="list-style-type: none"> <li>(i) the sexual penetration, however slight: <ul style="list-style-type: none"> <li>(a) of the vagina or anus of the victim by the penis of the perpetrator or any other object used by the perpetrator; or</li> <li>(b) of the mouth of the victim by the penis of the perpetrator;</li> </ul> </li> <li>(ii) by coercion or force or threat of force against the victim or a third person.'</li> </ul>	ICTY, Prosecutor v. Anto Furundžija, Case No IT-95-17/1-T, judgment of 10 December 1998, para 185.
ICCS	ICCS tags relevant to rape: <ul style="list-style-type: none"> <li>030111 Rape with force: sexual penetration without valid consent, inflicted upon a person with force. It includes sexual penetration with physical force.</li> <li>030112 Rape without force: sexual penetration without valid consent, inflicted upon a person without force. It includes deception to procure sex; drug-facilitated rape, procuring sex under coercion or through abuse of position.</li> <li>030113 Statutory rape: sexual penetration with or without consent with a person below the age of consent, or with a person incapable of consent by reason of law. It includes sexual intercourse with a person below the age of consent, sexual intercourse with a person incapable of consent.</li> <li>030114 Other rape: rape not described in the above categories.</li> </ul>	United Nations Office on Drugs and Crime (UNODC), <i>International classification of crimes for statistical purposes, Principles — Structure — Application</i> , August 2014, p. 23.

## 2.1.2 List of Member State definitions of rape

**Table 3: Member State definitions of rape for statistical purposes**

Member State	Definition of rape	Reference
BE	'Any act of sexual penetration, regardless of its nature and by whatever means, committed against a non-consenting person, represents a crime of rape. Consent is not considered to have been given, if the crime is committed by violence, coercion, threat, surprise or deceit, or is made possible by the infirmity or physical or mental impairment of the victim.'	Criminal code, Article 375.
BG	'Sexual intercourse with a female who is unable to defend herself and without her consent; by force or threat of force or by bringing her into a helpless state. This act is punishable with imprisonment of 2 to 8 years.'	Criminal code, Article 152.
CZ	'1. Whoever forces other person by violence or threat of violence or threat of other serious harm to take part in sexual intercourse, or whoever abuses his/her inability to defend him/herself for such purpose, shall be sentenced to a term of imprisonment of 6 months up to 5 years.'	Criminal code, Section 185.
DK	'Rape is punishable by imprisonment up to 8 years; this includes: (1) sexual intercourse by violence or threat of violence; or (2) attaining sexual intercourse by other illegal coercion, cf. Section 260, or with someone who is in a condition or situation in which the person is unable to resist the act.'	Criminal code, Section 216.
DE	Sexual assault by use of force or threats; rape. '(1) Whosoever coerces another person: 1. by force; 2. by threat of imminent danger to life or limb; or 3. by exploiting a situation in which the victim is unprotected and at the mercy of the offender, to suffer sexual acts by the offender or a third person on their own person or to engage actively in sexual activity with the offender or a third person, shall be liable to imprisonment of not less than 1 year.'	Criminal code, Section 177.
EE	'Sexual intercourse with a person against his or her will by using force or taking advantage of a situation in which the person is not capable of initiating resistance or comprehending the situation.'	Criminal code, Section 141.
IE	Section 1: '(1) In this act 'a rape offence' means any of the following, namely, rape, attempted rape, aiding, abetting, counselling and procuring rape or attempted rape, and incitement to rape; 'complainant' means a woman in relation to whom a rape offence is alleged to have been committed. (2) In this act references to sexual intercourse shall be construed as references to carnal knowledge as defined in Section 63 of the Offences against the person act, 1861, so far as it relates to natural intercourse (under which such intercourse is deemed complete on proof of penetration only). (3) In this act 'man' and 'woman' include respectively a male and a female person of any age; but this does not affect any rule of law by virtue of which a male person is treated by reason of his age as being incapable of committing an offence of any particular kind.' Section 2: '(1) A man commits rape if: (a) he has unlawful sexual intercourse with a woman who at the time of the intercourse does not consent to it, and (b) at that time he knows that she does not consent to the intercourse or he is reckless as to whether she does or does not consent to it, and references to rape in this act and any other enactment shall be construed accordingly.'	Criminal law (rape) act 1981, Sections 1 and 2.





Member State	Definition of rape	Reference
IE	(2) It is hereby declared that if at a trial for a rape offence the jury has to consider whether a man believed that a woman was consenting to sexual intercourse, the presence or absence of reasonable grounds for such a belief is a matter to which the jury is to have regard, in conjunction with any other relevant matters, in considering whether he so believed.'	Criminal law (rape) act 1981, Sections 1 and 2.
IE	'In this act 'rape under Section 4' means a sexual assault that includes: (a) penetration (however slight) of the anus or mouth by the penis, or (b) penetration (however slight) of the vagina by any object held or manipulated by another person. (2) A person guilty of rape under Section 4 shall be liable on conviction on indictment to imprisonment for life. (3) Rape under Section 4 shall be a felony.'	Criminal law act 1990, Section 4.
EL	'The use of physical violence or threat of direct and immediate danger by a person or persons in order to force another person or persons to have intercourse or other lewd acts or tolerance of those acts.'	Criminal code, Article 336.
EL	'Abuse of insanity or incapacity to resist by a person or persons in order to force another person or persons to intercourse or other lewd acts.'	Criminal code, Article 338.
ES	'When the sexual assault consists of vaginal, anal or oral penetration, or inserting body parts or objects into either of the former two orifices, the offender shall be convicted of rape with a sentence of imprisonment from six to 12 years.'	Criminal code, Article 179.
FR	'Any act of sexual penetration, regardless of the nature, committed against another person by violence, constraint, threat or surprise is rape. Rape is punished by 15 years' imprisonment.'	Criminal code, Articles 222-223.
HR	'Whoever commits the criminal offence referred to in Article 152 Paragraph 1 of this code by force or by threat of immediate attack upon his life or limb, or the life or limb of another person. (2) Whoever coerces another by force or by threat of immediate attack upon his life or limb, or the life or limb of a person close to him, to sexual intercourse or an equivalent.'	Criminal code, Article 188.
IT	'Whoever, by force or by threat or abuse of authority, forces another person to commit or suffer sexual acts shall be punished with imprisonment from 5 to 10 years. To the same punishment is liable any person who induces anybody to commit or to endure sexual actions: (1) abusing the conditions of physical or psychical disability of the victim at the moment of the fact; (2) deceiving the victim in order to replace the guilty party by another person. In the cases of lesser gravity, the penalty is reduced to two thirds.'	Criminal code, Article 609bis.
CY	'Unlawful carnal knowledge of a female, without her consent, or with her consent, if the consent was obtained by force or fear of bodily harm, or, in the case of a married woman, by impersonating her husband.'	Criminal code, Section 144.
LV	'(1) For a person who commits an act of sexual intercourse taking advantage of the state of helplessness of a victim or an act of sexual intercourse against the will of the victim by means of violence, threats or using trust, authority or exerting other influence over the victim (rape), the applicable punishment is deprivation of liberty for a term of 4 and up to 10 years and with probationary supervision for a term up to 5 years.'	Criminal code, Section 159.
LT	'A person who has sexual intercourse with a person against his will by using physical violence or threatening the immediate use thereof or by otherwise depriving of a possibility of resistance or by taking advantage of the helpless state of the victim ...'	Criminal code, Article 149.

## 2. Definitions of rape, femicide and intimate partner violence for statistical purposes

Member State	Definition of rape	Reference
LU	'Any act of sexual penetration, of whatever nature, by any means whatsoever, committed on a person who does not consent, including using violence or serious threats by ruse or artifice, or abusing a person incapable of giving consent or free to oppose resistance, constitutes rape and shall be punished by imprisonment of 5 to 10 years.' Is qualified rape committed abusing a person unable of giving free consent, any act of sexual penetration, of whatever nature, by any means whatsoever, committed on a person under the age of 16. In this case, the perpetrator will be punished with imprisonment of 10 to 15 years.'	Criminal code, Article 375.
LU	If the rape has caused illness or permanent work-incapacity, the offender shall be punished with imprisonment from 10 to 15 years in the case of Article 375 paragraph 1 and by imprisonment of 15 to 20 years in the case of Article 375 paragraph 2.	Criminal code, Article 376.
HU	'(1) Sexual violence is a felony if committed: (a) by force or threat against the life or bodily integrity of the victim; (b) by exploiting a person who is incapable of self-defence or unable to express his/her will, for the purpose of sexual acts. (2) Sexual violence shall also include, and the penalty shall be imprisonment between 5 to 10 years if the perpetrator commits a sexual act upon a person under the age of 12 years, or forces such person to perform sexual acts. (3) The penalty shall be imprisonment between 5 to 10 years if the criminal act described in subsection (1) is committed: (a) against a person under the age of 18 years; (b) by family member or against a person who is in the care, custody or supervision of or receives medical treatment from, such family member, or if abuse is made of a recognised position of trust, authority or influence over the victim.'	Criminal code, Section 197.
HU	'For the purposes of this law, 'sexual act' means sexual intercourse and any severely lewd act that is capable of or aimed at arousing, maintaining or satisfying sexual desire.'	Criminal code, Section 459.
MT	'Whosoever shall, by violence, have carnal knowledge of a person of either sex, shall, on conviction, be liable to imprisonment for a term from 3 to 9 years, with or without solitary confinement.'	Criminal code, Article 198.
NL	'He who through violence or other act or threat of violence or other act forced someone to undergo actions consisting of or including sexual penetration of the body, shall be guilty of rape will be punished with imprisonment not exceeding 12 years or a fine of the fifth category.'	Criminal code, Article 242.
AT	'A rape is committed if the deed has been a coitus or any other form of penetration. The victim of a rape has to be coerced by force, by deprivation of her/his personal liberty, or by dangerous threat either to perform or to tolerate the coitus.'	Criminal code, Section 201.
PL	'(1) Whoever, by force, illegal threat or deceit subjects another person to sexual intercourse shall be subject to the penalty of the deprivation of liberty for a term of between 2 and 12 years.'	Criminal code, Article 197.
PT	'Coercion of another to be inflicted or to inflict upon, with him or herself or with another, copulation, anal or oral intercourse; or to undergo vaginal or anal penetration of body parts or objects. Such coercion is made either with violence or with serious threat.'	Criminal code, Article 164.
RO	'(1) Sexual intercourse, oral or anal intercourse with a person, committed by constraint, by rendering the person in question unable to defend themselves or to express their will or by taking advantage of such state, shall be punishable by no less than 3 and no more than 10 years of imprisonment and a ban on the exercise of certain rights. (2) The same penalty shall apply to any act of vaginal or anal penetration committed under paragraph (1).'	Criminal code, Article 218.





Member State	Definition of rape	Reference
SI	'(1) Whoever compels a person of the same or opposite sex to submit to sexual intercourse or with sexual intercourse equalised sexual act with him by force or threat of imminent attack on life or limb shall be sentenced to imprisonment for not less than one and not more than 10 years.'	Criminal code, Article 170.
SK	'(1) Any person who, by using violence or the threat of imminent violence, forces a woman to have sexual intercourse with him, or takes advantage of a woman's helplessness for such act, shall be liable to a term of imprisonment of 5 to 10 years. (2) The offender shall be liable to a term of imprisonment of 7 to 15 years if he commits the offence referred to in paragraph 1: (a) acting in a more serious manner, (b) against a protected person, (c) by reason of specific motivation, or (d) against a woman held in custody or serving her term of imprisonment.'	Criminal code, Section 199.
FI	'(1) A person who forces another into sexual intercourse by the use or threat of violence directed against the person shall be sentenced for rape to imprisonment for at least 1 year and at most 6 years. (2) Also a person who, by taking advantage of the fact that another person, due to unconsciousness, illness, disability, state of fear or other state of helplessness, is unable to defend himself or herself or to formulate or express his or her will, has sexual intercourse with him or her, shall be sentenced for rape.'	Criminal code, Chapter 20, Section 1.
SE	'By assault or otherwise with violence or by the threat of a criminal act, compels a person to have sexual intercourse or a comparable sexual act. Rape may also be committed when the victim has not compelled, but the perpetrator has improperly exploited the fact that a person is in a helpless state, owing to, for instance, unconsciousness, sleep, intoxication or other influence of drugs, illness, bodily injury or mental impairment.'	Criminal code, Chapter 6, Section 1.
UK	'Person 'A' commits an offence if: (a) he intentionally penetrates the vagina, anus or mouth of another person 'B' with his penis, (b) 'B' does not consent to the penetration, and (c) 'A' does not reasonably believe that 'B' consents.'	UK: Sexual offences act 2003, Section 1. Scotland: Sexual offences (Scotland) act 2009, Section 1.

### 2.1.3 Proposed definition of rape

Proposed definition of rape
Sexual penetration, whether vaginal, anal or oral, through the use of object or body parts, without consent, using force, coercion or by taking advantage of the vulnerability of the victim.

While Member States differ in the specificities of the acts falling within the scope of rape as opposed to sexual assault, all of the Member State definitions include at least the components of 'lack of consent' and 'sexual intercourse' (both category 1, based on the prioritisation methodology). The definition used by Eurostat is, in fact, based on these elements: 'sexual intercourse without valid consent' <sup>(1)</sup>. On the other hand, the Istanbul Convention defines rape within the broader category of sexual violence and covers all acts of a sexual penetration (vaginal, anal and oral, with objects or any body part) without the freely given consent of one of the parties involved <sup>(2)</sup>. It does not, however, mention the vulnerability of the victim.

The UN guidelines for producing statistics on VAW also include rape within the broader category of sexual violence with the same understanding of sexual penetration as the Istanbul Convention. In addition, they refer to 'the use of physical violence and by putting the victim in a situation where she cannot say no or complies because of fear' <sup>(3)</sup>.

Member State rape definitions vary considerably in the types of sexual acts that are covered, and in the conditions and the circumstances surrounding the offence. More notably, differences exist regarding the circumstances of lack of consent and of the nature of the sexual acts. Regarding the definition components (see Section 1.2, methodology) the lack of consent and/or the use of force is reflected in the definitions of 27 Member States <sup>(4)</sup>, while 21 Member States <sup>(5)</sup> consider taking advantage of vulnerabilities in their definition or as an aggravating circumstance. The participants of the consultation meeting suggested including in the proposed definition the components: 'use of force', 'coercion' and 'taking advantage of vulnerabilities', as elements describing the use of force, which is how the proposed definition is formulated.

As for the nature of the sexual acts covered, aside from vaginal intercourse, anal penetration is covered by 24 Member States <sup>(6)</sup> and oral penetration by 21 Member States <sup>(7)</sup>. The Istanbul Convention covers all three forms of penetration. Similarly, the ICCS definition specifies in a footnote that the forms of sexual penetration include, at minimum, 'the penetration of the vulva, anus or mouth' <sup>(8)</sup>. There was

a consensus among the participants of the consultation meeting that 'any form of penetration' (with anal and oral added as examples) should be a category 1 component as all forms of penetration are relevant. The participants suggested that they align, at the very least, with the Istanbul Convention, which includes vaginal, anal and oral. The proposed definition, therefore, reflects all three forms of penetration.

The use of objects and the use of body parts other than the male genital organ for penetration are covered by 20 Member States' understanding of rape <sup>(9)</sup> and are reflected in the Istanbul Convention definition. As for the forms of penetration, the ICCS mentions in a footnote that rape includes penetration by any body part or object <sup>(10)</sup>. Participants of the consultation meeting had agreed that 'use of an object' and 'use of other body parts' should be category 2 preferable components. Since the Istanbul Convention and the ICCS covers those two elements, the proposed definition includes both the use of objects and body parts.



## 2.2 Femicide

### 2.2.1 List of definitions used at the European and international levels

**Table 4: European and international definitions of femicide**

Source	Definition of femicide	Reference
European Parliament	Feminicide: 'Any act or conduct, based on gender, which causes death or physical, sexual or psychological harm or suffering to women, whether in the public or the private sphere.'	European Parliament, European Resolution of 11 October 2007 on the murder of women (feminicide) in Mexico and Central America and the role of the European Union in fighting the phenomenon, 2007/2025(INI), Brussels, 2007.
European sourcebook	<p>The European sourcebook does not include a definition or data on femicide. While the European sourcebook looked at intentional and negligent homicide, it does not provide information on victims, which might have been used to provide a picture of femicide in the EU.</p> <p>The European sourcebook defines intentional homicide as the 'intentional killing of a person. Where possible, the figures include:</p> <ul style="list-style-type: none"><li>• assault leading to death</li><li>• euthanasia</li><li>• infanticide</li><li>• attempts.</li></ul> <p>They exclude: assistance with suicide, abortion and negligent killing.' Of these categories, assault leading to death and infanticide are the most relevant to femicide.</p>	The European institute for crime prevention and control, affiliated with the UN (HEUNI), <i>The European sourcebook of crime and criminal justice statistics website</i> , 5 <sup>th</sup> edition, 2014, p. 385.
Eurostat	Much like the European sourcebook, Eurostat data does not refer to femicide but includes data on intentional homicide. Eurostat provides data on intentional homicide disaggregated by sex of the victim and offender, as well as by victim-offender relationship, which can then be used to establish the extent of femicide across the Member States. Intentional homicide is defined as 'unlawful death purposefully inflicted on a person by another person'. Data on intentional homicide include serious assault leading to death and death as a result of a terrorist attack, and exclude attempted homicide, manslaughter, death due to legal intervention, justifiable homicide in self-defence and death due to armed conflict.	Eurostat, Crime and criminal justice explanatory texts (metadata).
Gender equality glossary	'The term femicide means the killing of women and girls on account of their gender, perpetrated or tolerated by both private and public actors. It covers, inter alia, the murder of a woman as a result of intimate partner violence (IPV), the torture and misogynistic slaying of women, the killing of women and girls in the name of so-called honour and other harmful practice-related killings, the targeted killing of women and girls in the context of armed conflict, and cases of femicide connected with gangs, organised crime, drug dealers and trafficking in women and girls.'	EIGE, Gender equality glossary and thesaurus, femicide.

Source	Definition of femicide	Reference
Council of Europe Parliamentary Assembly	Femicide or gynocide is 'the murder of a woman because she is a woman.'	Council of Europe, Parliamentary Assembly, Resolution 1654, 2009.
Vienna Declaration on Femicide	<p>'Femicide is the killing of women and girls because of their gender, which can take the form of, inter alia:</p> <ul style="list-style-type: none"> <li>• the murder of women as a result of IPV;</li> <li>• the torture and misogynistic slaying of women;</li> <li>• killing of women and girls in the name of honour;</li> <li>• targeted killing of women and girls in the context of armed conflict;</li> <li>• dowry-related killings of women;</li> <li>• killing of women and girls because of their sexual orientation and gender identity;</li> <li>• the killing of aboriginal and indigenous women and girls because of their gender;</li> <li>• female infanticide and gender-based sex selection foeticide;</li> <li>• genital-mutilation-related deaths;</li> <li>• accusations of witchcraft; and</li> <li>• other femicides connected with gangs, organised crime, drug dealers, human trafficking and the proliferation of small arms.'</li> </ul>	UN, Economic and Social Council, Commission on Crime Prevention and Criminal Justice, <i>Statement Submitted by the Academic Council on the United Nations System, a non-governmental organization in consultative status with the Economic and Social Council, Vienna Declaration on Femicide</i> , 1 February, Vienna, 2013.
World Health Organisation (WHO)	'Femicide is generally understood to involve intentional murder of women because they are women, but broader definitions include any killings of women or girls.'	WHO, <i>Understanding and addressing violence against women, Femicide</i> , 2012.
Special Rapporteur on VAW	'Gender-related killings are the extreme manifestation of existing forms of violence against women.' Such killings are not isolated incidents, 'but are rather the ultimate act of violence which is experienced in a continuum of violence.' Femicide thus stems from a type of violence following an 'institutional logic to delineate and sustain hierarchical social relations of race, gender, sexuality and class and, thereby, to perpetuate the inequality of marginalised communities.'	UN, Human Rights Council, <i>Report of the Special Rapporteur on violence against women, its causes and consequences</i> , Human Rights Council, prepared by Rashida Manjoo, A/HRC/20/16, 23/05/2012, 2012, pp. 4-5.
UN High Commissioner for Human Rights	'The murder of women because they are women, whether it is committed within the family, a domestic partnership, or any other interpersonal relationship, or by anyone in the community, or whether it is perpetrated or tolerated by the state or its agents.'	UN, Regional Office for Central America of the United Nations High Commissioner for Human Rights (OHCHR), <i>Latin American Model Protocol for the investigation of gender-related killings of women (femicide/feminicide)</i> , 2015.
United Nations	Intimate femicide is defined as 'The killing of a woman by a man with whom she had a relationship or intimate connection: husband, ex-husband, life-partner, boyfriend, ex-boyfriend, lover, or person with whom she had a child. This includes the situation where a man murders a female friend or acquaintance that refuses to engage in an intimate relationship (emotional or sexual) with him.'	UN, <i>Latin American Model Protocol for the investigation of gender-related killing of women (femicide/feminicide)</i> , 2015, p. 15.



Source	Definition of femicide	Reference
ICCS	<p>'Femicide is the intentional killing of a woman for misogynous or gender-based reasons.'</p> <p>The ICCS does not have a specific tag for femicide, but, rather, includes femicide within the following tags:</p> <ul style="list-style-type: none"> <li>• 0101 Intentional homicide: Unlawful death inflicted upon a person with the intent to cause death or serious injury.</li> <li>• 0102 Attempted intentional homicide: Unlawful death attempted to be inflicted upon a person with the intent to cause death or serious injury.</li> </ul>	UNODC, <i>International classification of crimes for statistical purposes</i> , 2014, p. 31.

### 2.2.2 List of Member State definitions

**Table 5: Member State definition of femicide**

Member State	Definition of femicide	Reference
BE	<p>No definition of femicide identified.</p> <p>Article 392 (Voluntary homicide): 'Are qualified as voluntary homicides and injuries those caused with the intention of attacking a particular person, or one found or met, even though this plan would be dependent on some circumstance or any condition, and even when the author was mistaken in the person who was a victim of the attack.'</p> <p>Article 418 (Involuntary homicide): 'Is guilty of involuntary homicide or injury, the one who caused harm by lack of foresight or precaution, but without the intention of attacking the person.'</p> <p>Article 393 (Murder): 'Homicide committed with the intention to kill is qualified as murder.'</p> <p>Article 405quater (Aggravating circumstance): 'When one of the motives of the crime or offence is hatred, contempt or hostility towards a person on the ground of (...) sex (...) the punishment will be as follows (...)'</p>	Criminal code, Articles 392-393, 405 quater and 418.
BG	<p>No definition of femicide identified.</p> <p>Article 115 (Murder/homicide): 'A person who deliberately kills another person.'</p> <p>Article 116 (Different types of homicide/ murder, e.g. of public officials, parents/ children, of a person in a helpless state, in an organised criminal group, with xenophobic/ racial intent).</p> <p>Article 118 (Murder committed in a state of high agitation provoked by the victim of violence by a severe defamation or other illegal activities).</p> <p>Article 119 (Murder committed in exceeding the limits of self-defence).</p> <p>Articles 120 — 121 (Killing of a newborn).</p> <p>Article 122 (Homicide caused through negligence).</p> <p>Article 123 (Through ignorance or negligent performance of vocation or other legally regulated activity).</p> <p>Article 124 (As the result of an intentionally inflicted bodily injury).</p> <p>Articles 125 and 126 (Murder of a fetus).</p>	Criminal code, Articles 115-116, 118-126.

Member State	Definition of femicide	Reference
CZ	<p>No definition of femicide identified.</p> <p>Section 140 (Murder): '(1) Whoever intentionally kills another person shall be sentenced to imprisonment for 10 to 18 years. (2) Whoever intentionally kills another person with premeditation and after prior consideration sentenced to imprisonment for 12 to 20 years.' (3) Aggravating circumstances [...].</p> <p>Section 141 (Manslaughter): '(1) Whoever intentionally kills another person in strong derangement caused by fear, shock, confusion or another excusable mental motion or as a result of previous condemnable conduct of the aggrieved person, shall be sentenced to imprisonment for three to 10 years.' (3) Aggravating circumstances [...].</p> <p>Section 142 (Murder of a newborn child by its mother).</p> <p>Section 143 (Killing by negligence): '(1) Whoever causes the death of another person out of negligence, shall be sentenced to imprisonment for up to 3 years or to prohibition of activity [...].'</p>	Criminal code, Sections 140-143.
DK	<p>No definition of femicide identified.</p> <p>Section 237 (Manslaughter): 'He who kills another shall be punished for manslaughter with imprisonment from 5 years up to life imprisonment.'</p>	Criminal code, Section 237.
DE	<p>No definition of femicide identified.</p> <p>Section 211 (Murder under specific aggravating circumstances): '(1) Whosoever commits murder under the conditions of this provision shall be liable to imprisonment for life. (2) A murderer under this provision is any person who kills a person for pleasure, for sexual gratification, out of greed or otherwise base motives, by stealth or cruelly or by means that pose a danger to the public or in order to facilitate or to cover up another offence.'</p> <p>Section 212 (Murder): '(1) Whosoever kills a person without being a murderer under Section 211 shall be convicted of murder and be liable to imprisonment of not less than 5 years. (2) In especially serious cases the penalty shall be imprisonment for life.'</p>	Criminal code, Sections 211 and 212.
EE	<p>No definition of femicide identified.</p> <p>Article 113 (Manslaughter in provoked state): 'Manslaughter, if committed in a state of sudden extreme emotional disturbance caused by violence or insult inflicted on the killer or a person close to him or her by the victim.'</p> <p>Article 114 (Murder): 'Murder is a manslaughter where one of following characteristics occur: committed in a torturous or cruel manner or in a manner which is dangerous to the public; committed by two or more persons and at least twice, committed in connection with robbery or for the purpose of personal gain or in order to conceal another offence or facilitate the commission thereof; by using an explosive device or explosive substance, in retaliation for professional activities.'</p> <p>Article 117 (Negligent homicide): 'Killing another person through negligence.'</p>	Criminal code, Articles 113, 114, 117 and 118.





Member State	Definition of femicide	Reference
EE	<p>Article 118 (Causing serious health damage): Causing health damage which results in:</p> <ul style="list-style-type: none"> <li>(1) danger to life;</li> <li>(2) a health disorder which persists for at least 4 weeks or which results in permanent loss of capacity for work to the extent of at least 40 per cent of total capacity for work;</li> <li>(3) severe mental disorder;</li> <li>(4) miscarriage;</li> <li>(5) permanent mutilating facial injury;</li> <li>(6) loss or cessation of functioning of an organ; or</li> <li>(7) death;</li> </ul> <p>is punishable by 4 to 12 years' imprisonment (entered into force on 1 January 2015).</p>	
IE	<p>No definition of femicide identified.</p> <p>The Irish crime classification system has a specific code for homicide (01), including murder (0111); manslaughter (0112); infanticide (0113), no disaggregation by gender.</p> <p>Murder occurs if a person intended to kill, or cause serious injury to, another person who dies as a result.</p> <p>Manslaughter is an unlawful killing that is not murder and currently consists of two categories, voluntary manslaughter and involuntary manslaughter. Voluntary manslaughter deals with what would otherwise be murder but where there is some excusing circumstance (such as provocation) which reduces the offence from murder to manslaughter.</p> <p>Involuntary manslaughter currently comprises two sub-categories. First, manslaughter by an unlawful and dangerous act, where the killing involves an act constituting a criminal offence, carrying with it the risk of bodily harm to the person killed. The second sub-category is gross negligence manslaughter, where the death arises from a negligent act or omission by the accused involving a high risk of substantial personal injury.</p>	O'Malley, Sentencing law and practice, 2nd ed., Dublin, 2006, p. 249.
EL	<p>No definition of femicide identified.</p> <p>Femicide is included in the Domestic Violence Law as fatal injury for specific cases, but not recognised as a separate category of crime.</p> <p>Article 299 (Manslaughter): 'Killing of a person by intention.'</p>	Criminal code, Article 299.
ES	<p>No definition of femicide identified.</p> <p>Article 138.1 (Homicide): 'Homicide is to kill somebody else.'</p> <p>Article 23 (Aggravated circumstance for homicide): The punishment for homicide is more serious when the victim is the spouse or a person linked to the offender by a relationship equivalent to marriage.</p> <p>Article 177: 'If the abuse described under Article 173.2 (see above) results in killing the persons therein included, the punishment for this offence will accrue to the punishment for homicide.'</p>	Criminal code, Articles 138.1, 177 and 23.

Member State	Definition of femicide	Reference
FR	<p>No definition of femicide identified.</p> <p>Article 221-1 (Murder): 'The fact of voluntarily killing another constitutes murder. It is punished by 30 years' imprisonment.'</p> <p>Article 221-4: 'Murder is punished by criminal imprisonment for life where it is committed: (1) against a minor under 15 years of age ...</p> <p>(10) by the spouse or the cohabitant of the victim or by the partner linked to the victim by a civil solidarity pact (PACS)'</p>	Criminal code, Article 221.
HR	<p>No definition of femicide identified.</p> <p>Article 110 (Homicide): 'Whoever kills another person shall be punished by imprisonment for not less than 5 years.'</p> <p>Article 111 (Aggravated murder): Punishment by imprisonment for not less 10 years or by long-term imprisonment shall be imposed on a person:</p> <ol style="list-style-type: none"> <li>1. whoever kills another person in a cruel or devious way;</li> <li>2. whoever takes the life of a person who is particularly vulnerable because of age, serious physical or mental disorder or pregnancy;</li> <li>3. whoever takes a life of a close person after subjecting him/her to abusive behaviour;</li> <li>4. whoever takes a life of another person because of greed, ruthless revenge, hatred or other base motives;</li> <li>5. whoever takes a life of another person in order to commit or cover up another crime;</li> <li>6. whoever takes life of a public officer in connection with his/her performance of official duties.</li> </ol>	Criminal code, Articles 110 and 111.
IT	<p>No definition of femicide identified.</p> <p>Article 575 (Homicide): 'Whoever causes the death of a person shall be punished with imprisonment for not less than 21 years.'</p>	Criminal code, Article 575.
CY	<p>No definition of femicide identified.</p> <p>Article 203 (1) (Murder with intent): 'Every person who of malice aforethought causes the death of another through an unlawful act or omission is guilty of murder with intent.'</p> <p>Article 205 (1) (Manslaughter): 'Every person who causes the death of another through an illegal act or omission is guilty of manslaughter.'</p> <p>Article 208 (Killing due to provocation): 'When a person who unlawfully kills another under circumstances which, but for the provisions of this section would constitute murder with intent, does the act which causes death in the heat of passion caused by a sudden provocation, in other words an unfair act, insult or irritation of such nature that it deprives a reasonable person of the capacity for self-control and before the passage of time for allowing the passion of such a reasonable person to cool down, such person is guilty only of manslaughter.'</p>	Criminal code, Articles 203(1), 205 (1) and 208.
LV	<p>No definition of femicide identified.</p> <p>Article 116 (Intentional unlawful homicide (murder) of another person).</p> <p>Article 123 (Unlawful homicide through negligence).</p>	Criminal code, Articles 116 and 123.





Member State	Definition of femicide	Reference
LT	<p>No definition of femicide identified.</p> <p>Article 129 (Murder): ‘<b>(1)</b> A person who murders another person.</p> <p><b>(2)</b> A person who murders:</p> <ul style="list-style-type: none"><li>(1) a young child;</li><li>(2) a person in a helpless state;</li><li>(3) his close relative or family member;</li><li>(4) a pregnant woman;</li><li>(5) two or more persons;</li><li>(6) torturing or in another particularly cruel manner;</li><li>(7) in a manner endangering other persons’ lives;</li><li>(8) by reason of disorderly conduct;</li><li>(9) for mercenary reasons;</li><li>(10) by reason of performance of official or citizen’s duties by the victim;</li><li>(11) in order to conceal another crime;</li><li>(12) in order to acquire the victim’s organ, tissue or cells;</li><li>(13) in order to express hatred towards a group of persons or a person belonging thereto on grounds of age, sex, sexual orientation, disability, race, nationality, language, descent, social status, religion, convictions or views;</li></ul> <p>shall be punished by imprisonment for a period of 8 up to 20 years or by life imprisonment.’</p> <p>Article 130 (Murder in a state of passion): ‘A person who murders a person in a state of sudden passion due to the victim’s conduct which is unlawful or particularly offensive in respect of him or a person close to him.’</p> <p>Article 132 (Negligent Homicide): ‘1. A person who commits a homicide through negligence.’</p>	Criminal code, Articles 129, 130 and 132.
LU	<p>No definition of femicide identified.</p> <p>Article 392 (Voluntary homicide): ‘Is qualified voluntary, the homicide and injuries caused with the intention to injure a specified person or, the one found or met, even if this plan would be dependent on some circumstances or conditions, and even if the perpetrator has made a mistake and attacked the wronga person.’</p> <p>Article 393 (Murder): ‘The homicide committed with the intention of killing is a murder.’</p> <p>Article 394: ‘Is qualified ‘assassination’, the pre-meditated murder.’</p>	Criminal code, Articles 392-394.
HU	<p>No definition of femicide identified.</p> <p>Section 160 (Homicide): ‘Any person who kills another human being is guilty of a felony punishable by imprisonment between 5 to 15 years.’</p>	Criminal code, Section 160.
MT	<p>No definition of femicide identified.</p> <p>Article 211 (Homicide): ‘Person commits homicide if, maliciously, with intent to kill another person or to put the life of such other person in manifest jeopardy, he causes the death of such other person. A homicide can also be established where the offender did not intend to cause the death of any particular person, or, by mistake or accident, shall have killed some person other than the person whom he intended to kill.’</p>	Criminal code, Article 211.

Member State	Definition of femicide	Reference
NL	<p>No definition of femicide identified.</p> <p>Article 287 (Manslaughter): 'Any person who intentionally takes the life of another person shall be guilty of manslaughter and shall be liable to a term of imprisonment not exceeding 15 years or a fine of the fifth category.'</p> <p>Article 288 (Aggravated manslaughter).</p>	Criminal code, Articles 287 and 288.
AT	<p>No definition of femicide identified.</p> <p>Section 75 (Murder): 'Whoever kills another shall be punished with imprisonment from 10 to 20 years or life imprisonment.'</p> <p>Section 76 (Manslaughter): 'Who gets carried away in a generally understandable violent emotion to kill another, shall be punished with imprisonment from 5 to 10 years.'</p>	Criminal code, Sections 75 and 76.
PL	<p>No definition of femicide identified.</p> <p>Article 148 (Homicide):</p> <p>'1. Whoever kills a human being shall be subject to the penalty of the deprivation of liberty for a minimum term of 8 years, the penalty of deprivation of liberty for 25 years or the penalty of deprivation of liberty for life.</p> <p>2. Whoever kills a human being:</p> <p>(1) with particular cruelty,</p> <p>(2) in connection with hostage taking, rape or robbery,</p> <p>(3) for motives deserving particular reprobation,</p> <p>(4) with the use of firearms or explosives</p> <p>shall be subject to the penalty of the deprivation of liberty for a minimum term of 12 years, the penalty of deprivation of liberty for 25 years or the penalty of deprivation of liberty for life.</p> <p>3. Whoever kills more than one person in one act or has earlier been validly and finally convicted for homicide shall be also subject to the penalty specified in item 2.</p> <p>4. Whoever kills a person due to the influence of an intense emotion justified by the circumstances shall be subject to the penalty of the deprivation of liberty for a term of between 1 and 10 years.'</p>	Criminal code, Article 148.
PT	<p>No definition of femicide identified.</p> <p>Article 131 (Murder):</p> <p>'Whoever kills another person shall be punished with imprisonment for 8 to 16 years.'</p> <p>Article 132 (Qualified murder):</p> <p>'1. If the death occurs in circumstances which show special reprehensibility or perversity, the offender shall be punished with imprisonment of 12 to 25 years.</p> <p>2. Are likely to reveal special reprehensibility or perversity (...), among others, the fact that the offender: (...) (f) Is determined by (...) sex (...) or the victim's gender identity.</p>	Criminal code, Articles 131, 132.



Member State	Definition of femicide	Reference
RO	No definition of femicide identified. Article 188 (Murder): '(1) The act of taking a person's life is punished with 10 to 20 years imprisonment and the banning of certain rights. (2) Attempted murder is punishable crime.' Article 189 (Aggravated murder).	Criminal code, Articles 188 and 189.
SI	No definition of femicide identified. Article 115 (Manslaughter): '(1) Whoever takes the life of another human being shall be sentenced to imprisonment between 5 and 15 years. (2) If two or more persons, who joined in order to commit manslaughter, commit the offence under the preceding paragraph, the perpetrator shall be sentenced to imprisonment between 10 and 15 years.' Article 116 (Murder): 'Whoever murders another human being by taking his life: (1) in a cruel or perfidious manner; (2) due to taking action in official acts to protect public security, or in a pre-trial criminal procedure, or due to decisions of state prosecutors, or due to the proceeding and decisions of judges, or due to criminal complaint, or testimony in a court proceeding; (3) because of violation of equality; (4) out of desire to murder, out of greed, in order to commit or to conceal another criminal offence, out of unscrupulous vengeance, or from other base motives; (5) with the act committed within a criminal organisation to commit such offences; shall be sentenced to imprisonment for not less than 15 years.'	Criminal code, Articles 115 and 116.
SK	No definition of femicide identified. Section 144 (First degree murder): (1) Any person who intentionally kills another person with premeditation shall be liable to a term of imprisonment of 20 to 25 years. (2) The offender shall be liable to a term of imprisonment of 25 years or to a life imprisonment sentence if he commits the offence referred to in paragraph 1: (a) and he was already convicted for murder, (b) against two persons, (c) acting in a more serious manner, (d) against a protected person, (e) by reason of specific motivation, or (f) with the intention to obtain tangible profit. (3) The offender shall be liable to life imprisonment if he commits the offence referred to in paragraph 1: (a) and he was already convicted for such offence, (b) in a dangerous grouping, or (c) under a crisis situation.	Criminal code, Sections 144-149.

Member State	Definition of femicide	Reference
SK	<p>Section 145 (Second degree murder)</p> <p>(1) Any person who intentionally kills another person shall be liable to a term of imprisonment of 15 to 20 years.</p> <p>(2) The offender shall be liable to a term of imprisonment of 25 years or to life imprisonment sentence if he commits the offence referred to in paragraph 1:</p> <ul style="list-style-type: none"> <li>(a) against two persons,</li> <li>(b) acting in a more serious manner,</li> <li>(c) against a protected person,</li> <li>(d) by reason of specific motivation, or</li> <li>(e) with the intention to obtain tangible profit.</li> </ul> <p>(3) The offender shall be liable to a term of imprisonment or to life imprisonment if he commits the offence referred to in paragraph 1:</p> <ul style="list-style-type: none"> <li>(a) and he was already convicted for such offence or for the first degree murder,</li> <li>(b) in a dangerous grouping, or</li> <li>(c) under a crisis situation.</li> </ul> <p>Section 146 (Infanticide).</p> <p>Section 147 and 148 (Killing).</p> <p>Section 149 (Homicide): (1) Any person who causes death to another person by negligence shall be liable to a term of imprisonment of up to 3 years [...].</p>	
FI	<p>No definition of femicide identified.</p> <p>Section 1 (Manslaughter):</p> <p>‘(1) A person who kills another shall be sentenced for manslaughter to imprisonment [...] An attempt is punishable.’</p> <p>Section 2 (Murder):</p> <p><b>‘(1) If the manslaughter is:</b></p> <ul style="list-style-type: none"> <li>(1) premeditated,</li> <li>(2) committed in a particularly brutal or cruel manner,</li> <li>(3) committed by causing serious danger to the public, or</li> <li>(4) committed by killing a public official on duty maintaining public order or public security, or because of an official action,</li> </ul> <p>and the offence is aggravated also when assessed as a whole, the offender shall be sentenced for murder to life imprisonment.</p> <p><b>(2) An attempt is punishable.’</b></p> <p>Section 3 (Killing):</p> <p>‘(1) If the manslaughter, in view of the exceptional circumstances of the offence, the motives of the offender or other related circumstances, when assessed as a whole, is to be deemed committed under mitigating circumstances, the offender shall be sentenced for killing to imprisonment for at least 4 and at most 10 years.’</p>	Criminal code, Sections 1-4, 8 and 9.





Member State	Definition of femicide	Reference
FI	<p>Section 4 (Infanticide):</p> <p>‘(1) A woman who in a state of exhaustion or distress caused by childbirth kills her baby shall be sentenced for infanticide to imprisonment for at least 4 months and at most 4 years.</p> <p>(2) An attempt is punishable.’</p> <p>Section 8 (Negligent homicide):</p> <p>‘A person who through negligence causes the death of another shall be sentenced for negligent homicide to a fine or to imprisonment for at most 2 years.’</p> <p>Section 9 (Grossly negligent homicide):</p> <p>‘If in the negligent homicide the death of another is caused through gross negligence, and the offence is aggravated also when assessed as a whole, the offender shall be sentenced for grossly negligent homicide to imprisonment for at least 4 months and at most 6 years.’</p>	
SE	<p>No definition of femicide identified.</p> <p>Chapter 3: Section 1 (Murder):</p> <p>‘A person who takes the life of another shall be sentenced for murder to imprisonment for 10 and at the most 18 years, or, in aggravating circumstances, for a lifetime.’</p> <p>Section 2 (Manslaughter):</p> <p>‘If, in view of the circumstances that led to the act of for other reasons, the crime referred to in Section 1 is considered to be less serious, imprisonment for manslaughter shall be imposed for at least six and at most 10 years.’</p>	Criminal code, Chapter 3: Section 1 and 2.
UK	<p>No definition of femicide identified.</p> <p>‘Homicide’ covers the offences of murder, manslaughter (including corporate manslaughter) and infanticide. Murder and manslaughter are common law offences that have never been defined by statute, although they have been modified by statute.</p> <p>In police records, the manslaughter category includes the offence of corporate manslaughter which was created by the Corporate manslaughter and corporate homicide act 2007, which came into force on 6 April 2008. The offence of infanticide was created by the Infanticide Act 1922 and refined by the Infanticide Act 1938 (Section 1).</p>	Common law offences.

### 2.2.3 Proposed definition of femicide

Proposed definition of femicide
The killing of a woman by an intimate partner and the death of a woman as a result of a practice that is harmful to women. Intimate partner is understood as a former or current spouse or partner, whether or not the perpetrator shares or has shared the same residence with the victim.

The term 'femicide' was first defined by the United Nations (UN) as 'the murders of women by men motivated by hatred, contempt, pleasure or a sense of ownership of women', and later as 'the killing of females by males because they are females' <sup>(11)</sup>. Femicide comprises a wide range of violent acts, such as murder in the context of IPV, sexual murder, killings of prostitutes, killings in the name of honour, female infanticide and dowry-related deaths <sup>(12)</sup>, although some of these may not apply directly to the European context.

Intimate partner/family-related homicide disproportionately affects women: two thirds of its victims globally are female (43 600 in 2012) and one third (20 000) are male. Almost half (47 %) of all female victims of homicide in 2012 were killed by their intimate partners or by family members, compared to less than 6 % of male homicide victims. Thus, while a large share of female homicide victims are murdered by people who are expected to care for them, the majority of men are killed by people they may not even know <sup>(13)</sup>. As most cases of femicide are committed by partners or ex-partners <sup>(14)</sup>, this aspect is considered central to its definition. In addition, the intent to kill a woman because of her gender is difficult to measure through administrative data, in particular with police data. Therefore, **intimate femicide** is a central element of the proposed definition of femicide.

The ICCS does not have a separate category for femicide, but it is rather included under intentional homicide. Femicide is defined in a footnote as 'intentional killing of a woman for misogynous or gender-based reasons' <sup>(15)</sup>.

The Istanbul Convention does not cover femicide, the killing of women, or homicide, and does not, therefore, provide any input towards a definition of femicide. The Group of experts on action against violence against women and domestic violence (GREVIO) questionnaire, nevertheless requests that those states who are parties to the Convention provide data on the deaths of women and attempted murders <sup>(16)</sup>. Despite the fact that there are some initiatives on gender-based violence (GBV) in Europe <sup>(17)</sup>, the concept of femicide remains still undefined at EU level.

As highlighted by the participants in the consultation meeting, the 'killing of a woman by a partner or ex-partner' is a crucial part of femicide and is also most feasible in terms of measurability. Indeed, 25 Member States disaggregate their homicide data in terms of victim-perpetrator relationship <sup>(18)</sup>.

Two other components of the definition of femicide, which are key in terms of data collection, are 'FGM-related death component' and 'unsafe abortion-related death' components. They both can be considered as GBV acts causing the death of girls/women, even if it is not intentional. Nine Member States <sup>(19)</sup> specifically criminalise FGM-related death, while 14 Member States <sup>(20)</sup> criminalise death related to (unsafe) abortion. The participants to the consultation meeting suggested including the two in a wider category of death as a result of practices harmful to women, which is how the proposed definition is formulated.

The data collection of femicide can be based on the ICCS tags of intentional homicide, together with the victim-perpetrator relationship disaggregation. The practices harmful to women would, on the other hand, currently fall under the ICCS tag 'other acts leading to death'. In addition, harmful practices can include female feticide, falling under the ICCS tag 'illegal feticide'.



## 2.3 Intimate partner violence

### 2.3.1 List of definitions used at the European and international levels

**Table 6: European and international definitions of intimate partner violence and domestic violence**

Source	Definition of intimate partner violence	Reference
Gender equality glossary	'A pattern of assaultive and coercive behaviours, including physical, sexual and psychological acts, as well as economic coercion, which adults or adolescents may use against their intimate partners without their consent. The resulting feelings of shame, fear and helplessness lead to low levels of reporting and, subsequently, relatively few convictions.'	EIGE, Gender equality glossary and thesaurus, Intimate partner violence.
EIGE (Study on administrative sources)	'All acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit, or between former or current spouses or partners, whether or not the perpetrator shares, or has shared, the same residence with the victim.'	EIGE, <i>Administrative data sources on gender-based violence against women in the EU: Report, Current status and potential for the collection of comparable data</i> , Vilnius, 2014.
Istanbul Convention	Domestic violence is defined as 'all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit, or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim.'	Council of Europe, <i>Council of Europe Convention on preventing and combating violence against women and domestic violence: Explanatory report</i> , 2011, Article 3 (b).
WHO	'One of the most common forms of VAW which includes physical, sexual, and emotional abuse and controlling behaviours by an intimate partner.'	WHO, <i>Understanding and addressing violence against women, Femicide</i> , WHO/RHR/12.38, 2012.
ICCS	UNODC's ICCS does not have a specific tag for domestic violence or IPV. Instead, ICCS includes a victim-perpetrator relationship disaggregation 'VIP' under which the type of intimate partner could be recorded as follows: 1. Current intimate partner/spouse. 2. Former intimate partner/spouse.	UNODC, <i>International Classification of crimes for statistical purposes</i> , March 2015, 2015.

Source	Definition of intimate partner violence	Reference
UNODC	Domestic violence is defined as ‘any use of physical or sexual force, actual or threatened, in an intimate or domiciliary relationship, which may include a single act of violence, or a number of acts forming a pattern of abuse through the use of assault and controlling behaviour. This definition overlooks the emotional/psychological forms of IPV. It further specifies that men most often use domestic violence against their intimate partners, which can include current or former spouses, girlfriends, or dating partners.’	UNODC, <i>Preventing and responding to domestic violence</i> , Edition 2, 2011.
United Nations Children’s Fund (Unicef)	Domestic violence is defined as encompassing violence perpetrated by intimate partners and other family members, and manifested through the following: <ul style="list-style-type: none"> <li>• Physical abuse, such as slapping, beating, arm twisting, stabbing, strangling, burning, choking, kicking, threats with an object or weapon, and murder.</li> <li>• Traditional practices harmful to women, such as early marriage, FGM and cutting, and wife inheritance.</li> <li>• Sexual abuse, such as coerced sex through threats, intimidation or physical force, forcing unwanted sexual acts or forcing sex with others.</li> <li>• Psychological abuse which includes behaviour intended to intimidate and persecute, and that takes the form of threats of abandonment or abuse, confinement to the home, surveillance, threats to take away custody of the children, destruction of objects, isolation, verbal aggression and constant humiliation (the term ‘constant’ humiliation is not further defined).</li> </ul> Economic abuse includes acts such as the denial of funds, refusal to contribute financially, denial of food and basic needs, and controlling access to healthcare, employment, etc.	Unicef, <i>Domestic violence against women and girls</i> , Innocenti Research Centre, No 6, 2000.
The World Bank	‘Psychological, physical and sexual violence within intimate relationships.’	Duvvury, N., Callan, A., Carney, P. and Raghavendra, S., <i>Gender equality &amp; development: intimate partner violence: economic costs and implications for growth and development</i> , The World Bank, 2013.





Source	Definition of intimate partner violence	Reference
UN statistical guidelines on violence against women	<p>Physical violence:</p> <ul style="list-style-type: none"><li>• slapping or throwing something that could hurt an intimate partner;</li><li>• pushing, shoving, pulling hair;</li><li>• hitting with a fist or anything else that could hurt an intimate partner;</li><li>• kicking, dragging or beating up;</li><li>• intentional choking or burning;</li><li>• threatening to use a gun, knife or other weapon against an intimate partner, sexual violence, psychological, economic violence.</li></ul> <p>Sexual violence refers to harmful or unwanted behaviour aimed at forcing or coercing a woman to engage in sexual acts against her will or without her consent. It encompasses rape, attempted rape and other sexual acts. Types of indicators applying to intimate partners:</p> <ul style="list-style-type: none"><li>• forcing an intimate partner to have sexual intercourse against their will;</li><li>• forcing an intimate partner to do something else sexual that they did not want to do, or that they found degrading or humiliating.</li></ul> <p>Psychological VAW can take different forms and can be grouped into emotional abuse and controlling behaviour (...).</p> <p>There are a wide range of acts that could be considered economically harmful, some of which might be considered to be an aspect of psychologically controlling behaviour:</p> <ul style="list-style-type: none"><li>• Refusing to provide enough money for household expenses, even though such money exists.</li><li>• Preventing an intimate partner from knowing about or accessing family income.</li><li>• Stopping or preventing an intimate partner from working.</li></ul>	UN, Department of Economic and Social Affairs, <i>Guidelines for producing statistics on violence against women — statistical surveys</i> , Statistics Division of the United Nations, 2014.

### 2.3.2 List of Member State definitions

**Table 7: Member State definitions of intimate partner violence or domestic violence**

Member State	Definition of intimate partner violence	Reference
BE	<p>No definition of IPV. However, the statistical definition of domestic violence includes IPV.</p> <p>Domestic violence is defined for statistical purposes as 'any form of physical (e.g. intentional assault and battery), sexual (e.g. molestation and rape), psychological (e.g. stalking and insults) or economic violence (e.g. abandonment of family) between spouses or persons who live together or have lived together and between a stable emotional and sexual relationship that exists or existed.'</p>	Circular of the College of Public Prosecutors COL 3/2006.

Member State	Definition of intimate partner violence	Reference
BE	<p>IPV is prosecuted under various offences.</p> <p>Physical violence: 'In the cases mentioned in Articles 398-405, [...] if the offender committed the crime or offence against the spouse or the person with whom he cohabits or has cohabited and has, or has had, a lasting affective and sexual relationship.'</p> <p>Article 398: 'Whoever intentionally injures or hits will be punished [...].'</p> <p>Article 375 (Sexual violence): 'Any act of sexual penetration, regardless of its nature and by whatever means, committed against a non-consenting person, represents a crime of rape. Consent is not considered to have been given, if the crime is committed by violence, coercion, threat, surprise or deceit, or is made possible by the infirmity or physical or mental impairment of the victim.'</p> <p>Article 373: '[...] molestation committed on a person or with the help of people of one or the other sex with violence, coercion, threat, surprise or deceit or that has been possible due to the physical or mental impairment of the victim.'</p> <p>Article 377: 'The punishment is set at alinéas 2 to 6: if the culprit is [...] any person who occasionally or regularly cohabiting with the victim and has authority over the victim.'</p> <p>Article 391bis (Economic violence): 'Any person who, having been convicted by a court decision that cannot be opposed or appealed, to provide maintenance to his spouse, his descendants or ascendants, voluntarily remained more than 2 months without in fulfilling the terms.'</p>	Criminal code, Articles 373, 375, 377, 391bis, 398, 410.
BG	<p>No definition of IPV. However, the definition of domestic violence includes IPV.</p> <p>Section 2: 'Domestic violence is any act of physical, mental or sexual violence, and any attempt at such violence, as well as the forcible restriction of individual freedom and of privacy, carried out against individuals who have or have had family or kinship ties or cohabit or dwell in the same home.'</p>	Law on Protection against Domestic Violence 2005, Section 2.
CZ	<p>No definition of IPV. However, the definition of domestic violence includes IPV.</p> <p>Section 199 (Maltreatment of a Person Living in a Jointly Occupied Dwelling):</p> <p>'1. Whoever maltreats a close person or other person, that lives with him/her in a jointly occupied flat or a house shall be sentenced to a term of imprisonment of 6 months up to 4 years.</p> <p>2. The offender shall be sentenced to a term of imprisonment of 2 years up to 8 years:</p> <ul style="list-style-type: none"> <li>a. if he/she commits the act defined in paragraph (1) in an especially cruel manner; or</li> <li>b. if he/she causes grievous bodily harm;</li> <li>c. if the offence is perpetrated against more than two people;</li> <li>d. if the contravention has continued for a prolonged period of time.</li> </ul> <p>3. The offender shall be sentenced to a term of imprisonment of 5 years up to 12 years if he/she causes by the act defined in paragraph (1):</p> <ul style="list-style-type: none"> <li>a. serious bodily harm to at least two people, or</li> <li>b. death.' </li></ul>	Criminal code, Section 199.



Member State	Definition of intimate partner violence	Reference
DK	<p>No legal or statistical definition of IPV or domestic violence. IPV is prosecuted under various offences.</p> <p>Section 244: 'One who practices violence towards another or attacks another's body shall be punished by way of fine or up to 3 years' imprisonment.'</p> <p>Section 245: 'The practising of assault/ trespass of the person which is of particularly raw, brutal or dangerous nature, or is guilty of abuse is punishable by imprisonment up to 6 years. Where an assault/trespass of the person results in significant damage to the body or health of that person, this is to be considered an aggravating circumstance.'</p> <p>Section 457: 'If a person commits an offence in Sections 244-46 and have previously been convicted of intentionally physically assaulting another or for a crime that is associated with intentional violence then the penalty can be increased by up to half.'</p> <p>Section 249: 'A person who negligently causes no significant damage to another's body or health is punishable by fine or imprisonment up to 4 months or where there are aggravating factors punishment can be up to 8 years.'</p>	Criminal code, Sections 244, 245, 457, 249.
DE	No legal or statistical definition of IPV, prosecuted under separate offences of the Criminal code. Neither family or other close relationship between victim and perpetrator nor cumulative harm are considered as aggravating circumstances under a general principle, but they enter into the definition of some specific offences.	
EE	<p>No definition of IPV. However, the definition of domestic violence includes IPV.</p> <p>Article 121 (Physical abuse): (1)'Causing damage to the health or another person and physical abuse which causes pain is punishable by a pecuniary punishment or up to 1 year of imprisonment. (2) The same act if: 1. it causes health damage which persists for at least 4 weeks; 2. committed in a close relationship or relationship of subordination; or 3. committed repeatedly, is punishable by a pecuniary punishment or up to 5 years' imprisonment.'</p>	Criminal code, Article 121(2).
EE	Template for police in the case of IPV cases is possible to choose between physical abuse, sexual abuse, mental abuse, no abuse, threat by a weapon.	Template for police.
IE	<p>No definition of IPV. However, the definition of domestic violence includes IPV.</p> <p>Domestic violence is covered under the Domestic violence act 1996 which deals specifically with the order to protect against domestic violence. Domestic violence is not defined and there is no specific offence of domestic violence; the most relevant offence is assault under the Non-Fatal Offences against the person act, 1997:</p> <p>Section 2: '(1) A person shall be guilty of the offence of assault who, without lawful excuse, intentionally or recklessly: (a) directly or indirectly applies force to or causes an impact on the body of another, or (b) causes another to believe on reasonable grounds that he or she is likely immediately to be subjected to any such force or impact, without the consent of the other.'</p>	Domestic violence act 1996; Non-fatal offences against the person act, 1997, Section 2.

Member State	Definition of intimate partner violence	Reference
EL	<p>No definition of IPV. However, the definition of domestic violence includes IPV and refers to various Criminal code offences.</p> <p>Law 3500/2006 on combating domestic violence: Domestic violence is the execution of an offence against a family member, in accordance with Articles 6, 7, 8 and 9 of this act and Articles 299 and 311 of the Criminal code.</p> <p>The criminal offences in the framework of domestic violence law are as follows:</p> <ul style="list-style-type: none"> <li>• domestic physical injury</li> <li>• domestic illegal violence and threat</li> <li>• rape and abuse in lewdness (lechery)</li> <li>• sexual abuse</li> <li>• manslaughter by intention</li> <li>• fatal injury.</li> </ul>	Law 3500/2006 on combating domestic violence; Criminal code, Articles 299 and 311.
ES	<p>Legal definition of IPV:</p> <p>Article 1 of Organic Law 1/2004 (Intimate partner violence against women):</p> <p>'1. The purpose of this act is to combat the violence exercised against women by their present or former spouses or by men with whom they maintain or have maintained analogous affective relations, with or without cohabitation, as an expression of discrimination, the situation of inequality and the power relations prevailing between the sexes.</p> <p>2. The present act establishes integrated protection measures whose goal is to prevent, punish and eradicate this violence and lend assistance to its victims.</p> <p>3. The gender violence to which this act refers encompasses all acts of physical and psychological violence, including offences against sexual liberty, threats, coercion and the arbitrary deprivation of liberty.'</p> <p>Article 173.2 of the Criminal code (Domestic violence: Intimate partner violence against men, between same sex couples, and violence within family context whether the victim is a man or woman):</p> <p>'Whoever habitually uses physical or mental violence against the person who is or has been his spouse or the person who is or has been bound to him by a similar emotional relation, even without cohabitation, or against descendants, ascendants or biological, adopted or fostered siblings, against that person or the spouse or cohabitating partner, or against minors or the incapacitated who live with him or who are subject to the parental rights, guardianship, care, fosterage or safekeeping of the spouse or cohabitating partner, or against a person protected by any other relation by which that person is a member of the core family unit, as well as against persons who, due to their special vulnerability are subject to custody or safekeeping in public or private centres, shall be punished with a sentence of imprisonment of 6 months to 3 years, deprivation of the right to own and carry weapons from 2 to 5 years and, when appropriate, when the judge or court of law sees it fit in the interest of the minor or incapacitated person, special barring from exercise of parental rights, guardianship, care, safekeeping or fosterage for a term from 1 to 5 years, without prejudice to the penalties that may be relevant for the felonies or misdemeanours in which the acts of physical or mental violence have been materialised.'</p>	Organic Law 1/2004 of 28 December on Integrated Protection Measures against Gender Violence, Article 1; Criminal code, Articles 173.2 and 153.





Member State	Definition of intimate partner violence	Reference
ES	<p>Article 153 (Bodily harm; intimate partner relationship is an aggravating circumstance):</p> <p>'1. Whoever, by any means or procedure, causes another mental damage or an injury not defined as a felony in this code, or who hits or abuses another by action, without causing such person an injury, when the victim is or has been his wife, or a woman with whom he has been bound by a similar emotional relation, even when not cohabitating, or an especially vulnerable person who lives with the offender, the offender shall be punished with a sentence of imprisonment of 6 months to 1 year, or community service from 31 to 80 days and, in all cases, deprivation of the right to own and carry weapons from a year and a day to 3 years, as well as, when the judge or court of law deems it appropriate in the interest of the minor or incapacitated person, barring from the exercise parental rights, guardianship, care, safekeeping or fostership for up to 5 years.</p> <p>2. If the victim of the offence foreseen in the preceding Section were any of the persons referred to in Article 173.2, except the persons considered in the preceding Section of this Article, the offender shall be punished with a sentence of imprisonment from 3 months to a year or community service of thirty-one to 80 days and, in all cases, deprivation of the right to own and carry weapons from a year and a day to 3 years, as well as, when the judge or court of law deems it adequate in the interest of the minor or incapacitated person, barring from the exercise of parental rights, guardianship, care, safekeeping or fostership from 6 months to 3 years.'</p>	
FR	<p>No legal definition of IPV. IPV is prosecuted under various offences.</p> <p>The status of partner, spouse or (ex) partner, (ex)spouse constitutes an aggravating circumstance for numerous criminal offences figuring in the Criminal code.</p>	Criminal code.
FR	<p>Statistical definition of domestic violence:</p> <p>The ministry for justice factsheet: 'Domestic violence is any violence committed against a spouse or cohabitant within a couple, married or not, linked together by a PACS, or simply living together or even separated. Domestic violence may be associated with psychological abuse (offensive words, threats, shouting), physical abuse (battery and assault) or sexual abuse (sexual assault, rape).'</p>	Ministry for Justice Factsheet.
HR	<p>No definition of IPV. However, the definition of domestic violence includes IPV.</p> <p>Article 4 (Domestic violence):</p> <p>'Any form of physical, mental, sexual or economic violence, in particular:</p> <ul style="list-style-type: none"><li>• Physical violence or the use of physical force, regardless of whether physical injury resulted or not,</li><li>• Corporal punishment and other forms of degrading treatment of children in the educational purposes,</li><li>• Psychological violence, or the application of psychological pressure that caused a feeling of fear, danger, distress or injury to dignity, verbal violence, verbal assaults, insults, cursing, name calling, or otherwise crude verbal harassment, stalking or harassment through all means of communication or through electronic and printed media or otherwise, or to communicate with third parties, illegal isolation or threat to freedom of movement,</li></ul>	Law on Protection from Domestic Violence (2003), Article 4.



Member State	Definition of intimate partner violence	Reference
HR	<ul style="list-style-type: none"> <li>Sexual violence or sexual harassment,</li> <li>Economic violence such as damage or destruction of personal and common property, banning or preventing the use of personal and joint property including the attempts to do so, as well as deprivation of rights or prohibition of having personal income and property acquired by inheritance or personal work at your disposal, exclusion from employment or work, forced economic dependence, denial of funds for maintenance of the common household and care for children or other dependents of a common household.</li> </ul>	
IT	<p>No definition of IPV. However, the definition of domestic violence includes IPV.</p> <p>Article 572 (Domestic violence):</p> <p>'Whoever maltreats a member of the family shall be punished with imprisonment from 1 to 5 years. If a serious personal injury derives from the ill-treatment, the offender should be punished with imprisonment from 4 to 9 years; if a very serious personal injury derives from the ill-treatment, imprisonment from 7 to 15 years; when the death of the victim derives from the ill-treatment, imprisonment from 12 to 20 years.'</p>	Criminal code, Article 572.
CY	<p>No legal or statistical definition of IPV. However, IPV is recognised within the context of 'violence in the family'.</p> <p>Article 3 (Violence in the family):</p> <p>'Any act, omission or behaviour which causes physical, sexual or mental injury to any member of the family by another member of the family and includes violence used for the purpose of having sexual intercourse without the consent of the victim as well as of restricting its freedom.'</p> <p>Article 5: Law clarifies that rape can be committed within marriage.</p>	Law on violence in the family (Prevention and protection of victims) N. 119(I)/2000 and 212(I) of 2004, Articles 3 and 5.
LV	No legal or statistical definition of IPV nor domestic violence. There is no specific criminal offence for IPV. IPV is prosecuted under various offences of the Criminal Law provisions, for instance, against intentional bodily harm.	Criminal code, Sections 125, 126, 130, 160.
LT	<p>No legal or statistical definition of IPV. However, the definition of domestic violence includes IPV.</p> <p>Article 1:</p> <p>'Domestic violence shall be an act of violation of human rights and freedoms.'</p> <p>Article 2:</p> <p>'1. Domestic environment means the environment comprising the persons currently or previously linked by marriage, partnership, affinity or other close relations, also the persons having a common domicile and a common household.</p> <p>5. Violence shall mean an intentional physical, mental, sexual, economic or another influence exerted on a person by an act or omission as a result whereof the person suffers physical, property or non-pecuniary damage.'</p>	Law on Protection Against Domestic Violence (2011), Article 1 and 2.
LU	<p>No legal or statistical definition of IPV. IPV is prosecuted under various offences.</p> <p>It falls under another form of violence of the Criminal code and when the crime is committed against the (ex)spouse or (ex)cohabitant, this is an aggravating circumstance.</p>	Criminal code, Articles 330-1, 409, 438-1, 439, 448, 377.



Member State	Definition of intimate partner violence	Reference
LU	<p>No definition of IPV. However, the definition of domestic violence includes IPV.</p> <p>Article 1: 'In the context of its prevention and protection missions, the police, with the authorisation of the state prosecutor, expelled from their homes and premises the persons against whom there is evidence that they are planning to commit an offence to the life or physical integrity against a person with whom they cohabit, or that they are planning to commit an offence to the life or physical integrity against a person that has already been his/her victim.'</p> <p>Article 11: 'Where a person makes intolerable for a person with whom she/he is cohabiting or has cohabited in a family unit, the continuation of the common life, because he/she committed assaults or threats of assault or because he/she has a behaviour that seriously undermines his/her mental health, the President of the district court shall enjoin this person, upon the request of the person concerned, to leave home and the premises and forbid him/her to return before the expiry of a period of 3 months [...].'</p>	Law of 8 September 2003 on domestic violence, Articles 1 and 11.
HU	<p>No definition of IPV. However, the definition of domestic violence includes IPV.</p> <p>Section 212/A (Domestic violence): '(1) Any person who, on a regular basis: seriously violates human dignity or is engaged in any degrading and violent conduct, misappropriates or conceals any assets from conjugal or common property, and thus causing serious deprivation, against the parent of his/her child, or against a relative, former spouse or domestic partner living in the same household or dwelling at the time of commission or previously, against his/her conservator, person under conservatorship, guardian or person under guardianship is guilty of a misdemeanour punishable by imprisonment not exceeding 2 years, insofar as the act did not result in a more serious criminal offence.</p> <p>(2) Any person who commits (a) battery under Subsection (2) of Section 164 or slander under Subsection (2) of Section 227 against a person defined in Subsection (1) is guilty of a felony punishable by imprisonment not exceeding 3 years; (b) battery under Subsections (3) and (4) of Section 164, or violation of personal freedom or duress under Subsection (1) of Section 194 against a person defined in Subsection (1) is guilty of a felony punishable by imprisonment between 1 to 5 years.</p> <p>(3) Banishment may also be imposed against persons found guilty of domestic violence.</p> <p>(4) The perpetrator of the criminal offence defined in Subsection (1) shall only be prosecuted upon private motion.'</p>	Criminal code, Section 212/A.

Member State	Definition of intimate partner violence	Reference
MT	<p>No definition of IPV. However, the definition of domestic violence includes IPV.</p> <p>Article 2: "Domestic violence" means any act of violence, even if only verbal, perpetrated by a household member upon another household member and includes any omission which causes physical or moral harm to the other; 'household member' includes:</p> <ul style="list-style-type: none"> <li>(i) persons married or formerly married to each other;</li> <li>(ii) persons living in the same household as the offender or who had lived with the offender; within a period of 1 year preceding the offence;</li> <li>(iii) persons whose marriage has been dissolved or declared null;</li> <li>(iv) parents and their children;</li> <li>(v) other adults sharing the same household;</li> <li>(vi) persons who are, or have been, formally or informally engaged with a view to get married;</li> <li>(vii) persons who are related to each other either by consanguinity or affinity up to the third degree inclusively;</li> <li>(viii) persons having or having had a child in common;</li> <li>(ix) the child conceived but yet unborn of any one of the persons mentioned in paragraphs (i) to (viii), both inclusive.</li> </ul>	Domestic violence act, Chapter 481, Article 2.
NL	<p>No definition of IPV. However, the definition of domestic violence includes IPV.</p> <p>Article 1 (Domestic violence):</p> <p>'Physical, mental or sexual violence or threat thereof by someone in the family circle.'</p>	Social support act 2015, Article 1.
NL	<p>Statistical definition:</p> <p>Article 2: Domestic violence is violence committed by someone in the family circle of the victim. This includes physical and sexual violence, stalking and threats (whether by, or accompanied by, damage to goods in and around the house). Suspects of domestic violence can be (ex) partners, family and relatives and family friends. Suspects and victims can be men and women, and from children to adults (including the elderly).</p> <p>The violence must be linked to the Criminal code provisions:</p> <ul style="list-style-type: none"> <li>• Article 300: Assault;</li> <li>• Article 300 (2): Assault, grievous bodily harm of the victim;</li> <li>• Article 302: (Attempted) Aggravated assault;</li> <li>• Article 303: Aggravated assault with premeditation;</li> <li>• Article 304: Pertaining to Article 300 t/m 303 when committed against father, mother, spouse (o) t (e), spouse or child, officer or by administering harmful substances;</li> <li>• Article 350: In the case of recidivism: damaged goods; there are under Article 353 prosecution exclusion grounds (with spouses who are not separated (bed and board or goods)) and the requirement for complaint (bed and board or divorced spouses' goods) pursuant to Article 316 of application;</li> <li>• Article 242 (Jo 45): (Attempted) rape;</li> <li>• Article 243: Intercourse with an unconscious or powerless;</li> <li>• Article 246: Physical assault of accountability;</li> </ul>	Guidelines for the police and prosecution on domestic violence and honour-related violence.







Member State	Definition of intimate partner violence	Reference
NL	<ul style="list-style-type: none"> <li>Article 257: Someone to whom maintenance is accused compulsory entry into helpless condition or cause, serious injury due to having;</li> <li>Article 282: Unlawful deprivation of liberty, whether grievous bodily harm of the victim;</li> <li>Article 285: Threat;</li> <li>Article 285b: Stalking;</li> <li>Article 287: Murder;</li> <li>Article 289: Manslaughter.</li> </ul>	
AT	<p>No legal or statistical definition of IPV. IPV is prosecuted under various offences.</p> <p>Section 38a: An entry ban can be issued by the police 'if it can be assumed due to certain circumstances, especially due to a previous dangerous attack, that a dangerous attack on life, health or freedom is imminent'.</p> <p>Domestic violence is only indirectly covered under the Criminal code under various sections that may be applied:</p> <ul style="list-style-type: none"> <li>Section 75 (Murder);</li> <li>Section 76 (Manslaughter);</li> <li>Section 79 (Infanticide);</li> <li>Section 82 (Abandonment);</li> <li>Section 83 (Bodily harm);</li> <li>Section 84 (Grievous bodily harm);</li> <li>Section 85 (Grievous bodily harm with lengthy recovery time);</li> <li>Section 86 (Assault with deadly consequences), among others.</li> </ul>	Security police act (SPG); Criminal code, Section 38a.
PL	<p>No definition of IPV. However, the definition of domestic violence includes IPV.</p> <p>Article 207 (Mistreatment of close persons):</p> <p>'(1): 1. Whoever mentally or physically mistreats a person close to him, or another person being in a permanent or temporary state of dependence to the perpetrator, a minor or a person who is vulnerable because of his mental or physical condition shall be subject to the penalty of deprivation of liberty for a term of between 3 months and 5 years.'</p>	Criminal code, Article 207 (1).
PL	<p>No definition of IPV. However, the definition of domestic violence includes IPV.</p> <p>Article 2 (2) (Domestic violence):</p> <p>'One-time or prevalent intentional action or lack of action which violates rights or personal goods of the people mentioned in item 1 (See below), in particular exposing these persons to the of the loss of their life, health, violation of dignity, physical integrity freedom, including sexual freedom, resulting in the loss of physical and psychological health, resulting in suffering and moral injuries to people exposed to violence.'</p> <p>Article 2 (1) (Family member): 'Closest person as defined by Article 115 Section 11 of the act of 6 June 1997 (Criminal code), but also another person jointly living in or running a common household.'</p>	Act of 29 July 2005 on Counteracting domestic violence, Article 2.

## 2. Definitions of rape, femicide and intimate partner violence for statistical purposes

Member State	Definition of intimate partner violence	Reference
PT	No definition of IPV. However, the definition of domestic violence includes IPV. Article 152 (Domestic violence): 'Domestic violence inflicted to intimate partners (namely, the spouse or former spouse, someone of the opposite or the same sex with whom the offender maintains or has maintained a dating relationship or a similar relationship to that of spouses, even without cohabitation).'	Criminal code (Act 110/2015 of 26 August 2015), Article 152.
RO	No definition of IPV. However, the definition of domestic violence includes IPV. Article 2: 'Any deliberate action or inaction, with the exception of self-defence, that is either physical or verbal, perpetrated by a family member against another member of the same family that causes a harm, a physical, psychological or sexual or emotional suffering or a material prejudice, including threat of such acts, constraint or temporary deprivation of freedom.' Family violence takes the following forms: (a) verbal violence: the use of offensive language, brutal language, insults, threats, humiliating or degrading expressions; (b) psychological violence: imposing the will or personal control over a family member. Provoking tension and psychological suffering. Demonstrative violence against objects, pets, verbal threats, display of guns, neglects, acts of jealousy, constraints of all kinds as well as actions of similar effect; (c) physical violence: assault or battery through pushing, blows, hair pulling, slapping, slashing, burning, choking, biting in any intensity; (d) sexual violence: sexual assault, harassment, intimidation, manipulation, brutality in pursuing coerced sexual intercourse, marital rape; (e) economic violence: forbidding professional activity, depriving a family member of economic means, including deprivation of basic needs such as food, medicine, intention of theft of personal goods, deprivation of use of common goods, forced work, refuse to contribute to family expenses, imposing hard or dangerous labour on family members including minors; (f) social violence: imposing an isolating environment from family, community or friends. Forbidding to attend school, restraining their movement. intentional deprivation of information and all similar acts; (g) spiritual violence: underestimating or diminishing the importance of satisfying moral and spiritual necessities through the interdiction, limit, ridicule or penalising such aspirations by family members, denying access to cultural, ethnical, linguistic or religious values, imposing religion and spiritual practices on family members as well as similar acts.	Law 217/2003 on Preventing and combating family violence, amended by law 25/2012 Article 2,4.
SI	No definition of IPV. However, the definition of domestic violence includes IPV. Article 3 (Family violence): '(1) Family violence (hereinafter: violence) denotes any form of physical, sexual, psychological or economic violence exerted by one family member against the other (i.e. including violence against children), or disregard of any family member as found in the Article 2 of this act (hereinafter: victims) regardless of the age, sex or any other personal circumstance of the victim or perpetrator of violence (hereinafter: perpetrator of violence). (2) Physical violence denotes any use of physical force that causes pain, fear or shame to the family member regardless of the fact whether injuries were inflicted.	Family violence prevention act 2008, Article 3.





Member State	Definition of intimate partner violence	Reference
	<p>(3) Sexual violence pertains to handling with sexual content that is opposed by one family member, or if he or she is forced into acting them out or because of his or her stage of development they do not understand their meaning.</p> <p>(4) Psychological violence denotes such actions with which the perpetrator of violence exerting it against a family member induces fear, shame, feelings of inferiority, endangerment and other anguish.</p> <p>(5) Economic violence is undue control or setting of restrictions of any family member concerning disposing with one's income or in other words managing the financial assets with which the family member disposes or manages and it can also mean undue restricting of disposing or managing the common financial assets of family members.</p> <p>(6) Disregard falls under those forms of violence in which a person does not provide due care for the family member who is in need of it due to illness, disability, old age, developmental or any other personal circumstances.'</p>	
SI	<p>No definition of IPV. However, the definition of domestic violence includes IPV.</p> <p>Article 191:</p> <p>'(1) Whoever within a family treats badly another person, beats them, or in any other way treats them painfully or degradingly, threatens with direct attack on their life or limb to throw them out of the joint residence or in any other way limits their freedom of movement, stalks them, forces them to work or give up their work, or in any other way puts them into a subordinate position by aggressively limiting their equal rights shall be sentenced to imprisonment for not more than 5 years.</p> <p>(2) The same punishment shall be imposed on whoever commits the acts under the preceding paragraph in any other permanent living community.</p> <p>(3) If the act under paragraph 1 is committed against a person with whom the perpetrator lived in a family or other permanent community, which fell apart, however this act is connected to the community, the perpetrator shall be sentenced to imprisonment for not more than 3 years.'</p>	Criminal code, Article 191.
SK	<p>No definition of IPV. However, the definition of domestic violence includes IPV.</p> <p>Section 208 (Battering a close person and a person entrusted into one's care):</p> <p>'(1) Whoever ill-treats a close person or a person in his custody or care, causing physical or psychological suffering by:</p> <p>(a) beating, kicking, punching, causing injuries and burns of any kind, humiliating, contemptuous treatment, stalking, threatening, evoking fear or stress, forcing into isolation, emotional blackmailing or any other behaviour endangering the person's physical or psychological health or limiting the person's safety,</p> <p>(b) groundless denying of food, rest or sleep, or denying of necessary personal care, basic clothing, hygiene, healthcare, housing, upbringing or education,</p> <p>(c) forcing the person to beg or to perform activities requiring excessive physical or psychological exhaustion regarding the age or health condition of the person, or to perform activities that may harm the person's health,</p> <p>(d) exposure to substances that may harmful the person's health, or</p> <p>(e) groundless preventing of access to property that the person has a right to use shall be liable to a term of imprisonment of 3 to 8 years.</p> <p>[...]</p>	Criminal code, Section 208.



Member State	Definition of intimate partner violence	Reference
SK	<p>(3) The offender shall be liable to a term of imprisonment of seven to 15 years if he commits the offence referred to in paragraph 1,</p> <p>(a) and causes grievous bodily harm or death through its commission,</p> <p>(b) by reason of specific motivation,</p> <p>(c) in spite of having been convicted for the same offence during the past 24 months or released from the service of a term of imprisonment imposed upon him for such offence, or</p> <p>(d) acting in a more serious manner.</p> <p>(4) The offender shall be liable to a term of imprisonment of 15 to 25 years or to life imprisonment if he commits the offence referred to in paragraph 1, and causes grievous bodily harm or death to several persons through its commission.'</p>	
FI	<p>No legal or statistical definition of IPV. IPV is prosecuted under various offences.</p> <p>Chapter 21, Section 5 (Assault):</p> <p>'(1) A person who employs physical violence on another or, without such violence, injures the health of another, causes pain to another or renders another unconscious or into a comparable condition, shall be sentenced for assault to a fine or to imprisonment for at most 2 years.</p> <p>(2) An attempt is punishable.'</p> <p>Chapter 21, Section 10 (Negligent bodily injury):</p> <p>'A person who through negligence inflicts not insignificant bodily injury or illness on another shall be sentenced for negligent bodily injury to a fine or to imprisonment for at most 6 months.'</p> <p>Chapter 20, Section 4 (Coercion into sexual act):</p> <p>'A person who by violence or threat coerces another into a sexual act other than that referred to in Section 1 (Rape) or into submission to such an act, thus essentially violating his or her right of sexual self-determination, shall be sentenced for coercion into a sexual act to a fine or to imprisonment for at most 3 years.</p> <p>(2) Also a person who, by taking advantage of the fact that another person, due to unconsciousness, illness, disability, state of fear or other state of helplessness, is unable to defend himself or herself or to formulate or express his or her will, causes him or her to engage in or submit to the sexual act referred to in subsection 1, essentially violating his or her right of sexual self-determination, shall be sentenced for coercion into a sexual act. (495/2011)</p> <p>(3) An attempt is punishable.'</p> <p>Chapter 20, Section 5 (Sexual abuse):</p> <p>'(1) A person who abuses his or her position and entices one of the following into sexual intercourse, into another sexual act essentially violating his or her right of sexual self-determination, or into submission to such an act, [...]</p> <p>(4) a person who is especially dependent on the offender, where the offender blatantly takes advantage of this dependence, shall be sentenced for sexual abuse to a fine or to imprisonment for at most 4 years.</p> <p>(3) An attempt is punishable.'</p>	Criminal code, Chapter 21: Sections 5 and 10, Chapter 20: Sections 4 and 5.





Member State	Definition of intimate partner violence	Reference
SE	<p>Section 4a (Gross violation of a woman's integrity): 'A person who commits criminal acts as defined in Chapters 3, 4, or 6 (crimes against life and health) against another person having, or have had, a close relationship to the perpetrator shall, if the acts from a part of an element in a repeated violation of that person's integrity and suited to severely damage that person's self-confidence, be sentenced for gross violation of integrity to imprisonment for at least 6 months and at most 6 years.</p> <p>If the acts described in the first paragraph were committed by a man against a woman to whom he is, or has been, married or with whom he is, or has been cohabiting under circumstances comparable to marriage, he shall be sentenced for gross violation of a woman's integrity to the same punishment.'</p>	Criminal code, Chapter 4, Sections 4a.
UK	<p>Section 76 (Controlling or coercive behaviour in an intimate or family relationship):</p> <p>'(1) A person (A) commits an offence if:</p> <p>(a) A repeatedly or continuously engages in behaviour towards another person (B) that is controlling or coercive,</p> <p>(b) at the time of the behaviour, A and B are personally connected,</p> <p>(c) the behaviour has a serious effect on B, and</p> <p>(d) A knows or ought to know that the behaviour will have a serious effect on B.</p> <p>(2) A and B are 'personally connected' if:</p> <p>(a) A is in an intimate personal relationship with B, or</p> <p>(b) A and B live together and</p> <p>(i) they are members of the same family, or</p> <p>(ii) they have previously been in an intimate personal relationship with each other.</p> <p>(3) But A does not commit an offence under this section if at the time of the behaviour in question:</p> <p>(a) A has responsibility for B, for the purposes of Part 1 of the Children and young persons act 1933 and,</p> <p>(b) B is under 16.</p> <p>(4) A's behaviour has a 'serious effect' on B if:</p> <p>(a) it causes B to fear, on at least two occasions, that violence will be used against B, or</p> <p>(b) it causes serious alarm or distress which has a substantial adverse effect on B's usual day-to-day activities.'</p>	Serious crime act 2015, Section 76.
UK	<p>The cross-government definition of domestic violence and abuse:</p> <p>'Any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The abuse can encompass, but is not limited to:</p> <ul style="list-style-type: none"> <li>• psychological,</li> <li>• physical,</li> <li>• sexual,</li> <li>• financial,</li> <li>• emotional.'</li> </ul>	Domestic violence (crime and victims) act 2004; Home Office Circular 003/2013.

### 2.3.3 Proposed definition of intimate partner violence

#### 2.3.3.1 General definition of intimate partner violence

Proposed definition of intimate partner violence
Any act of physical, sexual, psychological or economic violence that occurs between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim.

The term intimate partner violence (IPV) is not systematically defined at the international level <sup>(21)</sup>, and is often described as falling within the scope of domestic violence <sup>(22)</sup>. The Istanbul Convention provides a comprehensive definition of ‘domestic violence’, referring to four types of violence: physical, sexual, psychological or economic violence <sup>(23)</sup>. The WHO has put forward the most comprehensive definition of IPV that refers to physical, sexual, and emotional abuse and controlling behaviours by an intimate partner and provides examples of the types of indicators for each element <sup>(24)</sup>.

The main components of IPV are covered in the legal definitions of Member States as follows:

- physical violence: all 28 Member States
- psychological violence: 25 Member States <sup>(25)</sup>
- sexual violence: 24 Member States <sup>(26)</sup>
- economic violence: 14 Member States <sup>(27)</sup>.

The participants of the consultation meeting agreed that all four forms of violence should be included in the definition, and although the inclusion of economic violence was debated more, many participants considered it crucial. The Istanbul Convention definition includes all four forms; therefore, the proposed definition also reflects all four forms of violence.

Regarding the notion of ‘intimate partner’, the proposed definition used wording in line with the Istanbul Convention. At Member State level, IPV or domestic violence definitions cover a wide variety of intimate partners:

- spouse: in 24 Member States <sup>(28)</sup>
- former spouse: in 19 Member States <sup>(29)</sup>
- partner: in 12 Member States <sup>(30)</sup>
- former partner: in 10 Member States <sup>(31)</sup>
- boyfriend: in 6 Member States <sup>(32)</sup>
- partner/person living together: in 16 Member States <sup>(33)</sup>
- partner, together with whom they live: in 8 Member States <sup>(34)</sup>
- stable and lasting relationship: in 4 Member States <sup>(35)</sup>.

The wording of the Istanbul Convention provides a broad enough notion to encompass a wide range of intimate partners (former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim<sup>36</sup>). Therefore, similar wordings to the Istanbul Convention have been favoured for the proposed definition.

Since IPV is generally used in broad terms, the approach adopted has been to propose **separate definitions for the four forms of violence** covered by general partner violence. This will support Member States in understanding which acts are covered by each form of violence.

The participants to the consultation meeting were largely in favour of using broad wordings when defining the four forms of violence, while including examples of each type of violence. As a result, for all four definitions proposed below, the approach adopted was of providing a **non-exhaustive list of offences** that fall within the form of violence.

#### 2.3.3.2 Definition of physical violence

Proposed definition of physical violence
Any act which causes physical harm to the current or former partner as a result of unlawful physical force. Physical violence can take the form of, among others, serious or minor assault, deprivation of liberty and manslaughter.

Physical violence may refer to different concepts depending on the context and the institution in which the term is used. In addition, discrepancies exist as whether to include acts of violence that do not leave any physical marks. According to the Istanbul Convention explanatory report, the term ‘physical violence’ refers to bodily harm suffered as a result of the application of immediate and unlawful physical force. It also encompasses violence resulting in the death of the victim <sup>(36)</sup>.

The ICCS established a tag for minor assaults, which includes, among other, ‘application of minor physical force inflicted upon the body of a person resulting in no injury or minor injury’ <sup>(37)</sup>. Therefore, if the tag is interpreted generously, an act can be considered as physical violence even if it does not cause bodily harm. The line between physical violence, on the one hand, and psychological and sexual violence on the other is not clear-cut. For example, the assault may be of a physical nature, but leave no physical marks, only psychological ones, which are often harder to prove. Whether physical or psychological injuries are necessary to



identifying an incident as physical violence depends on the individual Member State.

In 2014 the UN Guidelines for producing survey statistics on VAW outlined that physical violence may involve a wide range of physical acts <sup>(38)</sup>, such as:

- slapping her or throwing something that could hurt an intimate partner;
- pushing, shoving, pulling hair;
- hitting with a fist or anything else that could hurt an intimate partner;
- kicking, dragging or beating up;
- intentional choking or burning;
- threatening to use a gun, knife or other weapon against an intimate partner <sup>(39)</sup>.

The most recurrent types of physical violence covered by Member States in their definitions include assault, battery, bodily harm, serious bodily harm, murder, deprivation of liberty, and manslaughter.

The suggested forms of physical violence in the proposed definition correspond to ICCS tags and are in line with the most common forms of physical violence across the 28 Member States. In the future, Eurostat plans to apply the ICCS system, with which this proposed indicator is compatible. Implementation of the ICCS codes would allow distinctions to be made between different forms of physical violence and would measure, for example, the level of severity.

### 2.3.3.3 Definition of sexual violence

#### Proposed definition of sexual violence

Any sexual act performed on the victim without consent. Sexual violence can take the form of rape or sexual assault.

The suggested forms of sexual violence correspond to the ICCS tags, which cover a wide variety of sexual acts. For example, sexual harassment is covered by the sexual assault tag. Again, the proposed definition favoured the acts corresponding to the ICCS tags. Since Eurostat plans to implement the ICCS system, this will ensure that the definition can be operational at EU level and it will maximise the potential for data comparability.

Most Member State definitions include sexual violence as a component of IPV, domestic violence or a sexual offence where the victim-perpetrator relationship is recorded. Only Ireland, Spain and Slovakia do not cover sexual violence within the context of an intimate partner relationship.

The following list presents an overview of the main types of sexual violence that are covered by Member States in their definitions:

- rape: 20 Member States <sup>(40)</sup>;
- sexual assault: 22 Member States <sup>(41)</sup>;
- sexual harassment: 4 Member States <sup>(42)</sup>;
- marital rape: 2 Member States <sup>(43)</sup>.

The Istanbul Convention defines sexual violence as ‘all forms of sexual acts which are performed on another person without her or his freely given consent and which are carried out intentionally’ <sup>(44)</sup>. These forms of sexual acts include at least rape and sexual assault.

According to the UN Guidelines for producing statistics on VAW, sexual violence is an ‘unwanted sexual behaviour that is imposed on someone, such as: (i) forcing an intimate partner to have sexual intercourse against their will and; (ii) forcing an intimate partner to do something sexual that they did not want to do/or that they found degrading or humiliating’ <sup>(45)</sup>.

### 2.3.3.4 Definition of psychological violence

#### Proposed definition of psychological violence

Any act or behaviour which causes psychological harm to the partner or former partner. Psychological violence can take the form of, among others, coercion, defamation, a verbal insult or harassment.

The suggested forms of psychological violence correspond to the ICCS tags and are in line with the most common forms of psychological violence across the 28 Member States.

Most Member States include psychological violence as a component of IPV, domestic violence or have a separate offence of psychological violence in which the victim-perpetrator relationship is recorded. Conduct covered by psychological violence in Member States include coercion, harassment, verbal abuse, insult, slander and defamation. Furthermore, definitions may include insults, humiliation, neglect, isolation, acts of jealousy, slander and defamation. Some Member States criminalise acts of psychological violence within a partner relationship separately <sup>(46)</sup>, while in other Member States it falls within the scope of intimate partner or domestic violence <sup>(47)</sup>. Therefore, concerning other forms of IPV, it is useful to have a specific indicator related to psychological violence.



The Istanbul Convention defines psychological violence as 'intentional conduct of seriously impairing a person's psychological integrity through coercion or threats' <sup>(48)</sup>.

The UN Guidelines for producing statistics on VAW <sup>(49)</sup> classify psychological violence into a range of behaviours under two categories: (1) emotional abuse (insulting, humiliating, scaring, intimidating or threatening the partner) and (2) controlling behaviour (isolating, monitoring, ignoring, being excessively jealous, controlling the partner).

### 2.3.3.5 Definition of economic violence

Proposed definition of economic violence
Any act or behaviour which causes economic harm to the partner. Economic violence can take the form of, among others, property damage, restricting access to financial resources, education or the labour market, or not complying with economic responsibilities, such as alimony.

The suggested forms of economic violence correspond to the ICCS tags and are in line with the most common forms of economic violence recognised across the Member States.

There is no specific ICCS tag for the acts of restricting access to financial resources, education or labour market. However, these acts are reflected in a number of Member States and participants in the consultation meeting considered those key aspects of economic violence as financial dependency of women on their husbands or partners is still wide-spread in many southern and eastern Member States. The ICCS tag 'other acts causing harm or intending to cause harm to the person' could be used to include restricting access to financial resources, education or to the labour market, or not complying with economic responsibilities.





# Endnotes

(<sup>1</sup>) Eurostat Crime and criminal justice explanatory texts (metadata).

(<sup>2</sup>) Article 36 of the Istanbul Convention; Council of Europe, 'Explanatory Report of the Council of Europe Convention on preventing and combatting violence against women and domestic violence', *Council of Europe Treaty Series*, No 210, 2011, p. 32.

(<sup>3</sup>) UN Department of Economic and Social Affairs, *Guidelines for producing statistics on violence against women — statistical surveys*, Statistics Division of the United Nations, New York, 2014..

(<sup>4</sup>) BE, BG, CZ, DK, DE, EE, IE, EL, ES, FR, HR, IT, CY, LV, LT, LU, HU, MT, NL, AT, PL, PT, RO, SI, SK, FI, SE.

(<sup>5</sup>) BE, BG, CZ, DK, DE, EE, EL, HR, IT, LV, LT, LU, HU, MT, PT, RO, SI, SK, FI, SE, UK.

(<sup>6</sup>) BE, CZ, DK, DE, EE, IE, EL, ES, FR, HR, IT, CY, LU, HU, MT, NL, AT, PL, PT, RO, SI, FI, SE, UK.

(<sup>7</sup>) BE, CZ, DE, EE, IE, EL, ES, FR, HR, IT, LU, HU, NL, AT, PL, PT, RO, SI, FI, SE, UK.

(<sup>8</sup>) UNODC, *International classification of crimes for statistical purposes* (ICCS), 2015.

(<sup>9</sup>) Use of object: BE, CZ, DE, EE, IE, EL, ES, FR, HR, LT, LU, HU, NL, AT, PL, PT, RO, SI, FI, SE; Use of other body parts: BE, CZ, DK, DE, EE, EL, ES, FR, HR, IT, LU, HU, NL, AT, PL, PT, RO, SI, FI, SE.

(<sup>10</sup>) UNODC, *International classification of crimes for statistical purposes* (ICCS), 2015.

(<sup>11</sup>) UN Expert Group on gender-related killing of women and girls, *Information on gender-related killing of women and girls provided by civil society organisations and academia*, Bangkok, 2014, p. 2; Human Rights Council, *Report of the Special Rapporteur on violence against women, its causes and consequences*, prepared by Rashida Manjoo, 2012, p. 6.

(<sup>12</sup>) UN, Human Rights Council seventh session, *Promotion and protection of all human rights, civil, political,*

*economic, social and cultural, including the right to development*, A/HRC/7/6, 29 January 2008.

(<sup>13</sup>) UNODC, *Global Study on Homicide 2013 – Trends, Contexts, Data*, 2013, p. 11.

(<sup>14</sup>) Globally, as many as 38 % of murders of women are committed by an intimate partner. Source: WHO, Violence against women factsheet, updated January 2016. One study indicates that there are approximately 3 500 IPV-related deaths every year in Europe. Source: Project DAPHNE, *Estimation of mortality linked to intimate partner violence in Europe - IPV EU Mortality*, June 2010, 2007.

(<sup>15</sup>) UNODC 'International Classification of Crime for Statistical Purposes' (ICCS), 2015.

(<sup>16</sup>) Council of Europe, Group of Experts on Action against Violence against women and Domestic Violence (GREVIO), *Questionnaire on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence*, adopted on 11 March 2016, 2016, p. 15.

(<sup>17</sup>) Regarding femicide COST Action IS1206 has established the first pan-European coalition on femicide with researchers who are already studying the phenomenon nationally, in order to advance research clarity, agree on definition, improve the efficacy of policies for femicide prevention, and publish guidelines for the use of national policy makers. More information is available at: [http://www.cost.eu/COST\\_Actions/isch/IS1206](http://www.cost.eu/COST_Actions/isch/IS1206) or [www.femicide.net](http://www.femicide.net)

(<sup>18</sup>) All apart from three Member States (DK, EL and MT).

(<sup>19</sup>) BE, DK, FR, IT, CY, LU, NL, PL, SK.

(<sup>20</sup>) BE, DE, EL, HR, CY, LV, LT, LU, HU, AT, RO, SI, SK, SE.

(<sup>21</sup>) Intimate partner violence is referred explicitly to in different international sources (see draft EIGE Gender equality glossary, EIGE Study on administrative sources, UN 2014 Guidelines for producing statistics on violence against women, WHO, World Bank).

(<sup>22</sup>) Intimate partner violence is covered within the scope of domestic violence in following documents: FRA 2014

VAW Survey. Istanbul Convention and Explanatory Report, UNICEF, UNODC.

(<sup>23</sup>) Council of Europe, Council of Europe Convention on preventing and combating violence against women and domestic violence, CETS No 210, 2011, Article 3(b).

(<sup>24</sup>) WHO, *Understanding and addressing violence against women, Intimate partner violence*, 2012.

(<sup>25</sup>) BE, BG, CZ, DK, DE, EE, EL, ES, FR, HR, IT, CY, LV, LT, LU, HU, MT, NL, AT, PL, PT, RO, SI, SK, SE, UK.

(<sup>26</sup>) BE, BG, CZ, DK, DE, EE, EL, FR, HR, IT, CY, LV, LT, LU, HU, MT, NL, AT, PL, PT, RO, SI, FI, SE, UK.

(<sup>27</sup>) BE, BG, CZ, HR, IT, LT, HU, PL, PT, RO, SI, SK, FI, UK.

(<sup>28</sup>) BE, BG, CZ, DE, EE, EL, ES, FR, HR, IT, CY, LV, LT, LU, HU, NL, AT, PL, PT, RO, SI, SK, SE, UK.

(<sup>29</sup>) BE, BG, DE, EL, ES, FR, IT, CY, LV, LT, LU, HU, NL, AT, PT, RO, SI, SK, UK.

(<sup>30</sup>) BE, DE, EE, ES, FR, LU, LT, NL, AT, PT, SE, UK.

(<sup>31</sup>) BE, DE, ES, FR, LV, LT, NL, AT, PT, UK.

(<sup>32</sup>) BE, EE, ES, AT, PT, SE.

(<sup>33</sup>) BE, BG, CZ, DE, EL, ES, FR, HR, CY, LT, LU, HU, PL, RO, SI, SK.

(<sup>34</sup>) BE, BG, SE, ES, FR, LU, SI, SK.

(<sup>35</sup>) BE, EE, ES, PT.

(<sup>36</sup>) Council of Europe, 'Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence', *Council of Europe Treaty Series*, No 210, 2011, p.32 – Art. 35.

(<sup>37</sup>) UNODC, *International classification of crimes for statistical purposes (ICCS)*, 2015.

(<sup>38</sup>) UN Department of Economic and Social Affairs, *Guidelines for producing statistics on violence against women – statistical surveys*, Statistics Division of the United Nations, New York, 2014.

(<sup>39</sup>) Other sources (i.e. FRA, UNICEF) definitions include: stalking the partner, entering the house without permission,

screaming at the partner, insulting family and friends, general harassment, bullying, controlling her access to education or to the labour market, forbidding them from working outside home.

(<sup>40</sup>) BE, BG, CZ, DK, DE, EE, EL, FR, HR, IT, CY, LT, LU, HU, NL, AT, PL, RO, FI, SE.

(<sup>41</sup>) BE, BG, CZ, DK, DE, EE, EL, FR, HR, IT, CY, LV, LT, LU, HU, NL, AT, PL, PT, RO, FI, SE.

(<sup>42</sup>) BE, HR, MT, RO.

(<sup>43</sup>) EL, RO.

(<sup>44</sup>) Article 36 of the Istanbul Convention; Council of Europe, 'Explanatory Report of the Council of Europe Convention on preventing and combatting violence against women and domestic violence', *Council of Europe Treaty Series*, No 210, 2011, p. 32.

(<sup>45</sup>) UN Department of Economic and Social Affairs, *Guidelines for producing statistics on violence against women – statistical surveys*, Statistics Division of the United Nations, New York, 2014, pp 58-59.

(<sup>46</sup>) It concerns 10 Member States: BE, DK, DE, EE, FR, LV, NL, AT, FI, UK.

(<sup>47</sup>) It concerns 18 Member States: BG, CZ, IE, EL, ES, HR, IT, CY, LT, LU, HU, MT, PL, PT, RO, SI, SE, SK.

(<sup>48</sup>) Council of Europe, 'Explanatory Report of the Council of Europe Convention on preventing and combatting violence against women and domestic violence', *Council of Europe Treaty Series*, No 210, 2011, p. 31, available at *Explanatory report of the Council of Europe Convention on preventing and combatting violence against women and domestic violence*.

(<sup>49</sup>) UN Department of Economic and Social Affairs, *Guidelines for producing statistics on violence against women – statistical surveys*, Statistics Division of the United Nations, New York, 2014.

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